

MADHYA PRADESH PANCHAYAT SAMVIDA SHALA SHIKSHAK (APPOINTMENT AND CONDITIONS OF CONTRACT) RULES, 2001

PAN. SAM. SHALA SHIKSHAK (EMPLOY RULES, 2005 (PR)473 MADHYA PR'ADESH PANCHAYAT SAMVIDA SHALA SHIKSHAK (APPONTMENT AND CONDITIONS OF CONTRACT) RULES, 2001 Nott. No. F-1-3-99-XX11-P-2, dated 20-3-2001, Pub. in M.P. Rqipatra (Asadharan), dated 20-3-2001, p. 288 (6-13) = 2001 MPLT, PT. n. P. 131. —Repealed by the new Rules of 2001. Pub. in M.P. Rajpatra (Asad- haran), dated 11-7-2001, p. 844 (8-16) = 2001 MPLT, Pt. 11. P. 134, hence not reproduced. Note :-The new rules were amended subsequently by Noti. dated 30-7-2003, Pub. in M.P. Rajpatra (Asadharan), dated 1-8-2003, p. 806 (3-7) = 2004 MPLT, Pt. 11, P.21 and Noti. dated 15-9-2003, Pub. in M.P. Rajpatra (Asadharan), dated 15-9-2003, p. 940 = 2004 MPLT, Pt. 11. P

3. The new rules of 2001 were also repealed by the Madhya Pradesh Panchayat Samvida Shala Shikshak (Employment and Conditions of Con- tract) Rules, 2005, hence not reproduced.MADHYA PRADESH PANCHAYAT SAMVIDA SHALA SHIKSHAK (EMPLOYMENT AND CONDITIONS 1. 2. 3. 4. 5. 6. 7. 7-A. 8. 9. 10. 11. 12. 13. 14. 15

16. OF CONTRACT) RULES, 2005 CONTENTS Short Title and Commencement.Definitions. Extent and Application. Assessment of Vacancies of Samvida Shala Shikshak. Classification and Contract Remuneration. Selection and Method of Employment. Special Provision for Primitive Tribes. Compassionate Appointment. Extension in Contract Period. Discipline and Control. Appeal. Other Conditions. Power of State Government to Prescribe. Interpretation. Repeal and Saving. Schedules Appendix (PR)474 PAN. SAM. SHALA SHIKSHAK(EMPLOY. ...) RULES, 2005 R. 1 MADHYA PRADESH PANCHAYAT SAMVIDA SHALA SHIKSHAK (EMPLOYMENT AND CONDITIONS OF CONTRACT) RULES, 2005 Nott. No. F. 1-3-2005-XW-P-2, dated 6-5-2005, Pub. in M.P. Rqjpatra (Asadharan), dated 6-5-2005, p. 404 (13).- As amended subsequently by the following notifications:— 1. No. F- 1-3-2008-P-2, dated 24-4-2008, Pub. in M.P. Rajpatra (Asad- haran), dated 24-4-2008, p. 422; 2. No. F- 1-3-08, dated 13-10-2008, Pub. in M.P. Rajpatra (Asadharan), dated 13-10-2008, p. 1322; 3. No. F- 2-1-2009-XX11-P-2, dated 4-1-2010, Pub. in M.P. Rajpatra . (Asadharan), dated 4-1-2010, p. 12; 4. No. F- 2-2-2011, dated 27-6-2011, Pub. in M.P. Rajpatra (Asad- harm), dated 27-6-2011, p. 622 (2-4); 5. No. F. 1-7-2013-XX11-P-2, dated 28-12-2013, Pub. in M.P. Rajpatra (Asadharan), dated 60-12-2013, p. 1153; & 6. No. F-2-1-2013-XX11-P-2, dated 17-1-2014, Pub. in M.P. Rajpatra (Asadharan), dated 17-1-2014, p. 68(2). Note.-In the footnotes appearing hereinafter, the amending notifica- tions are referred to by serial no. as given to them above. In exercise of the powers conferred by sub-section (1) of Section 95 read with sub-section (2) of Section 70 of the Madhya Pradesh Panchayat Raj Avarn Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994), the State Government, hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Adhiniyam, namely :- 1. Short Title and Commencement.-(1) These rules may be called the Madhya Pradesh Panchayat Samvida Shala Shikshak (Employment and Conditions of Contract) Rules, 2005. (2) These shall come into force from the date of their publication in.the Madhya Pradesh Gazette

2. Definitions.-In these Rules, unless the context otherwise requires;— (a) "Act" means the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. I of 1994); (b) "Appeal Committee" means a Committee specified in Column (6) of Schedule-II to hear and examine the objections received with respect to provisional' selection list prepared by the Employing Authority; (c) "Authorized Agency" means an agency prescribed by the State Government to conduct the eligibility examination for employment of Samvida Shala Shikshak as per Rule 6 of these Rules; (d) "Contract" means a Contract entered into between a Panchayat and a selected candidate for teaching in any particular school as per Appendix to these Rules; (e) "'Contract Extension Committee" means a Contract Extension Com- mittee specified in Column (3) of Schedule-111; (f) "Employing Authority" in relation to "Samvida Shala Shikshak" means an authority specified in Column (4) of Schedule-I; (g) "Employment" means contract for Samvida Shala Shikshak by the Panchayat for a specific school under these Rules; R. 6 PAN. SAM. SHALA SHIKSHAK(EMPLOY. ...) RULES, 2005 (PR)475 (h) "Government" means the Government of Madhya Pradesh; (i) "Panchayat" means Zilq Panchayat or Janpad Panchayat, as the case may be, constituted under the Act; (j) "Oualification" means the qualifications specified in Schedule-11; (k)

"Samvida Shala Shikshak" _means a person employed by a Zila Panchayat or Janpad Panchayat, as the case may be, for teaching in the Schools under their control; (l) "Samvida Shala Shikshak Eligibility Examination" means eligibility examination to be conducted by an agency prescribed by the Government for the purpose of employment of "Samvida Shala Shikshak"; (m) "Schedule" means Schedule appended to these Rules; and (n) "State" means the State of Madhya Pradesh

3. Extent and Application.-These rules shall apply to Samvida Shala Shikshak employed by Janpad Panchayat or Zila Panchayat, as the case may be, for the schools under their control

4. Assessment of Vacancies of Samvida Shala Shikshak.-(1) The vacancies of Samvida Shala Shikshak shall be assessed by a Committee constituted under the Chairmanship of the Collector, which shall consist of Chief Executive Officer, Zila Panchayat, Chief Executive Officer, Janpad Panchayat, District Project Coordinator, District Education Officer, Assistant Commissioner/ District Organiser, Tribal Welfare as its members. The Chief Executive Officer, Zila Panchayat, shall be the secretary of the Committee. The Committee shall make Schoolwise- assessment of vacant posts as prescribed. While making the assessment, the Committee shall keep in view the surplus teachers in the Panchayat, the Shikshakarmis posted in the schools under their control, extension of contract of Samvida Shala Shikshak and employment on compassionate ground under these Rules. (2) After the assessment of the Committee, the information regarding vacant posts shall be sent to the Government for approval. After the receipt of approval from the Government, the information of vacant post shall be provided to the Panchayat. (3) After the receipt of information of vacant posts from the Committee, —Panchayat-shall ensure subjectwise posting of teachers. The Panchayat shall not proceed on its own assessment of the requirement

5. Classification and Contract Remuneration.-The classification of Samvida Shala Shikshak and Contract remuneration shall be such, as may be specified in Schedule-I

6. Selection and Method of Employment.-(1)• The employment of Samvida Shala Shikshak after commencement of these rules shall be done in accordance with the provisions of these Rules. 'Samvida Shala Shikshak Eligibility Examination', hereinafter referred to as 'Eligibility Examination' shall be Conducted by such norms as prescribed for the employment of Samvida Shala Shikshak. The eligibility examination shall be conducted by an agency prescribed by the I Sub-rule (2) subs. by No. 6 [17-1-2014] for the following:- (2) 'Samvida Shala Shikshak Eligibility Examination'. hereinafter referred to as 'Eligibility Examination' as prescribed shall be conducted for the employment of Samvida Shala Shikshak. The eligibility examination shall be for two years after declaration of result or next eligibility examination to be held which will be earlier.) In before which was subs. by No.4 (27-6-2011). (PR)476 PAN. SAM. SHALA SHIKSHAK (EMPLOY ...) RULES, 2005 R. 6 Government. The validity of the eligibility examination relating to year 2011-12 and validity of result of eligibility examination to be held after the aforesaid year shall be valid for employment of Samvida Shala Shikshak, Excluding the validity of result of examination held in the year 2005 and 2008.1 (3) The agency authorized to hold eligibility examination for Samvida Shala Shikshak shall advertise the procedure to apply for taking the examination and the scheme of examination in the newspapers, as prescribed. (4) The Educational qualifications for appearing in the eligibility examination of Samvida Shala Shikshak shall be such, as specified in Schedule-II. The grade and category wise minimum percentage of marks to qualify in the each part of the question paper of eligibility examination of Samvida Shala Shikshak shall be as under:- Grade of Samvida Shala Shikshak (1) Grade- 1 Grade-2 Grade-3 Scheduled Castes/Scheduled Tribes and Other Backward Classes/ Persons with disabilities (2) Others (5) 600/01 (6) The provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arak- Shan) Adhiniyam, 1994 (No. 21 of 1994) shall apply to the employment of Samvida Shala Shikshak. (7) (a) Posts shall be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes in accordance with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994), instructions issued by the General Administration Department vide its Notification No. F-6-1-2002/ Reservation Cell/ I/dated 19-9-2002 and orders issued by the State Government from time to time in pursuance of Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arak- Shan) Rules, 1998. 1 (b) For each category of vacant posts, the reservation shall be- (i) 50% for women; (ii) Subject to the proviso to Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and

Full Participation) Act, 1995 (No. 1 of 1996), 6% for disabled persons (2% for visually impaired, 2% for hearing impaired, 2% for orthopaedically disabled); (iii) 10% for ex-army personnel; Sub-rule (5) subs. by No.1 (24-4-2008). PAN. SAM SHALA SHIKSHAIC (EMPLOY. ...) RULES, 2005 (PR)477 (iv) To any other category which may be notified by the Government from time to time. The advertisement and the procedure of employment of Samvida Shala Shikshak shall be specified by the executive orders of the State Governmental 2[(9) Criterion of Selection. -The procedure of employment of Samvida Shala Shikshak and preparation of merit list of the candidates belonging to all categories, may be specified by executive order of the State Government.] & (11) XXXI (12) Period of Contract Employment. -Every person selection for the post of "Samvida Shala Shikshak" shall be employed on contract for a maximum period of three years for a particular school. He/She shall be required to enter into an contract in the form, as prescribed in the Appendix to these Rules. For every academic year, the assessment of work, conduct and performance of every "Samvida Shala Shikshak" shall be maintained by the Employing Authority in the form as prescribed : Provided that upon a direction from the Government, the employment of a selected candidate may be made as per requirement for a period of less than three years and his contract period may be extended up to three years. COMMENTARY Appointment of School Teachers.-Petitioners pleaded-that eligibility conditions prescribed in circular have been changed sub-sequent to issuance of advertisement. Said circular was reiteration of eligibility conditions prescribed in amended Rules. Minimum qualification prescribed in said circular was in conformity with statutory provisions. Denial of appointment to petitioners not having requisite qualification prescribed in Rules, held proper. *Badrilal v. State of M.P.*, 2013(4) MPLJ 623. Primitive Tribes. -The applicantS belonging to SAHARIYA tribe of Districts Sheopur, Morena, Datia, Gwalior, Bhind, Shivpuri, Guna and Ashoknagar, BAIGA tribe of Districts Balaghat, Mandla, Dindori, Shahdol and Umariya, BHARIYA tribe of Tamiya Development Block of District Chhindwara, possessing specified/ prescribed minimum educational qualifications and other eligibility; shall be employed on the post of "Samvida Shala Shikshak" Grade-I/Grade- 2/Grade-3 by the concerned Panchayat without following the selection procedure mentioned in these rules These candidates shall be able to obtain the benefit of this provision of any Zila/Janpad Panchayat of the State. In such a situation when number of application's received are more than the total posts available, a selection shall be made on the basis of marks obtained in the examination of the minimum educational qualification. 1 2 3 4 Sub-rule (8) substituted by No. 4 [27-6-2011]. Sub-rule (9) substituted by No. 4 [27-6-2011]. Sub-rules (10) & (11) omitted by No. 4 [27-6-2011]. Sub-rule (13) omitted by No. 4 [27-6-2011]. I (PR)478 PAN. SAM. SHALA SHIKSHAK(EMPLOY. RULES, 2005 R. 7-A tion in descending order. I [7-A. Special provision for appointment on the post of Samvida Shala Shikshak Grade 3 from present working Guruji/Supervisors of Madhya Pradesh Education Guarantee Scheme and Instructors and Supervisors of erstwhile Government Non Formal Education Centers. (1) The present working and as per rule appointed Guruji and Supervisors of Madhya Pradesh Education Guarantee Scheme may be appointed on the post of Samvida Shala Shikshak Grade 3. (2) Instructors and Supervisors of erstwhile Government Non Formal Education Centers who had worked continuously for one year as on 31st March 2000 or worked continuously up to one year till any date in between the 31st March and 29th August 2000, may be appointed on the post of Samvida Shala Shikshak Grade 3. The Gurujis and supervisors who are presently working under the Madhya Pradesh Education Guarantee Scheme may be employed on the post of Samvida Shala Shikshak Grade-3 without taking examination, as per procedure as may be determined by the Government. (4) Such Gurujis and Supervisors, who possess educational qualification prescribed in the Madhya Pradesh Panchayat Samvida Shala Shikshak (Employment and Conditions of Contract) Rules, 2005, may be merged after three years of such employment on the post of Assistant Adhyapak subject to the condition that they shall have to undergo D.Ed. training within three years from the date of employment on the post of Samvida Shala Shikshak Grade-3.1 (6) After appointment on the post of Samvida Shala Shikshak Grade 3, the candidate shall get the same contract amount as prescribed in these rules or as they were getting on the previous post, whichever is more. (7) The maximum age limit should not be more than 62 years for said appointment. (8) After the appointment under this rule, the other service conditions shall be such as prescribed in these rules.] 8. Compassionate Appointment.-(1) The Collector shall, under the rules or directions issued by the Government, advise the Panchayat for appointment on compassionate ground of any person eligible for employment on the post of "Samvida Shala Shikshak" and the Panchayat shall employ such person. No eligibility examination shall be required for

Compassionate Appointment under rule-8. (2) Period of contract and other terms and conditions of the Samvida Shala Shikshak appointed on compassionate ground will be the same as for other Samvida Shala Shikshak. 1 Ins. by No. 3 [4-1-2010]. 2 Sub-rules (3), (4) & (5) substituted as sub-rules (3) & (4) by No. 5 [30-1-2013]. Before substitution, old provisions were as under:- "(3) For the appointment under sub-rule (1) and (2) the candidate should pass the eligibility examination conducted by such an agency as may be specified by the order of the State Government. (4) Eligibility examination shall be organised only two times and the norms and minimum qualifying marks as may be specified by executive order of the State Government. (5) For appearing in the examination under sub-rule (3) the candidate should possess the qualification as prescribed in column (5) against serial number 3 of Schedule-II of these rules." R. 9 SAM SHALA SHIKSHAIC (EMPLOY. ...) RULES, 2005 (PR)479

9. Extension in Contract Period.-(1) After completion of every three years service, the contract period of "Samvida Shala Shikshak" may be extended for a further period of three years by the Panchayat. On recommendation of the Committee specified in Schedule-III. The Committee shall recommend the extension on the basis of work, conduct, performance and the result of annual examination of the students of the classes, which he/she has been teaching. On completion of every three year period of contract employment, "Samvida Shala Shikshak" shall be entitled to 15% increase in his/her previous contract remuneration: Provided that after every completion of nine years of the contract period of "Samvida Shala Shikshak", it may be extended for further three years by the Panchayat on the basis of the recommendation of the Committee specified in Schedule-III. The Committee shall recommend the extension on the basis of medical examination, opinion of Parent Teacher Association of the concerned school and assessment of performance, work and result of last nine years of annual examinations of the students of classes in which he/she has been teaching. (2) After the expiry of every contract period, in case of extension in contract period a new contract will have to be executed. (3) The extension in the contract period of "Samvida Shala Shikshak" under sub-rule (1) may be made up to 62 years of age of "Samvida Shala Shikshak".

COMMENTARY [1] Rules 9, 10 & 11.-Recruitment process for appointment of Shiksha Karmi.-Petitioner applied for being appointed as Shiksha Karmi. Even being more meritorious not selected. Action challenged. Mass irregularities found in the entire selection process. Held, It is well settled principle of law that when, the entire selection is being cancelled due to writ large irregularities hearing to individually candidates is not necessary. Respondents directed to conduct fresh recruitment process in pursuance to the aforesaid order shall be limited to on such candidates who had applied and participated in the previous selection process and the same be completed within a period of 3 months. *Kanchan Upadhyay (Ku.) v. State of M.P.*, ILR 2009 M.P. 155. [2] Rule, 9 of the rules is *pari materia* and indentially worded for urban as well as Panchayat area. *Manoj Kumar Pandya v. State of M.P.*, 2008 (2) MP.LJ 302 = 2008(3) JIJ 203 = 2008(3) MPHT 343. [3] Explanation 5 to Rule 9(b) is not arbitrary & no violation of Art.14.-Intelligible classification has been made and teaching experience marks are being awarded rightly for the kind of experience which is possessed for the particular post of contract teacher grade 1,11 and III to teach the very class of which they are having experience, thus it cannot be said that there is arbitrariness violating Art. 14 of the Constitution of India in the Explanation 5 to Rule 9(b) of the aforesaid Rules. *Manoj Kumar Pandya v. State of M.P.*, 2008 (2) MPLJ 302 = 2008(3) JIJ 203 = 2008(3) MPHT343. [4] Rule 9(c)-Special skill may get weightage to teach at primary level - Not awarding of special marks for higher education - (PR)480 PAN. SAM. SHALA SHIKSHAK(EMPLOY. ...) RULES, 2005 R. 10 tion is justified.-For appointment of teachers for primary classes, Rule 9(c) excludes grant of weightage marks to the candidates having B.Ed. qualification is in tune with the note 1 of the Notification issued by National Council of teacher Education. Special skill is possessed by D.Ed/B.T.C./D.S.E. candidates to impart education at primary level children obtaining instructions at that level. Though differentiation is made under the rules in eligibility for awarding marks but that is based on intelligible classification, which is permissible within the ambit of Art. 14 of the Constitution. 20 Marks which have been reserved as per Rule 9(c) have been rightly reserved for special category of candidates having special skill to impart primary education, the incumbents having B.Ed. degree have not been totally excluded from staking their claim but they are not to be awarded marks of special educational qualification as they are not having expertise qualification to teach at primary level. Though they may be having qualification to teach at higher level but B.Ed. is not the higher qualification to teach at primary level but special skill for the purpose of teaching at primary level as held by the Apex Court. *Manoj Kumar Pandya v. State of M.P.*, 2008 (2) MPLJ 302 = 2008(3) JIJ 203 = 2008(3) MPHT 343. IO. Discipline and Control.-

'Samvida Shala Shikshak" shall be under the disciplinary and administrative control of Zila Panchayat or Janbad Panchayat, as the case may be. The Panchayat shall have to take decision in prescribed time limit in respects of proposals/reports for disciplinary actions against Samvida Shala Shikshak from the prescribed officers. COMMENTARY Rules 10, 12, 12(a) & 12(h).- Age relaxation.-Petitioner working as Samvida Shala Shikshak Class-II in the Government School. He applied for the post of Civil Judge claiming relaxation of 3 years on the ground that he is a Government Servant. Held, Appointing authority of the petitioner is Janpad Panchayat and thus he is not a Government Servant and cannot be granted age relaxation. Arun Singh Bhadouriya v. State of M.P., 2009(2) MPHT 277 = 2009(2) rtwWN 112 = ILR 2009 M.P. 1939 (DB)

11. Appeal.-An appeal shall lie in accordance with the provisions of the Act against the orders passed under these Rules

12. Other Conditions.-(a) A person employed under these rules shall work under the administrative control of Panchayat through its Chief Executive Officer and other officers as prescribed. (b) A person employed under these rules shall only be entitled to travelling allowance as per rules applicable to Class-III employees of Panchayat. (c) A person employed under these rules shall not be entitled to any pensionary benefits. R. 16 PAN. SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (PR)481 A person employed under these rules shall be entitled to thirteen days casual leave and three days optional leave in a year. In case of women "Samvida Shala Shikshak", she shall be entitled to one hundred eighty days maternity leave and in case of male "Samvida Shala Shikshak" shall be entitled to any other kind of leave.] (e) "Samvida Shala Shikshak" shall not be transferred from his/her place of posting and he/she shall make his/her place of posting as his/her headquarter. (f) No dearness allowance, house rent or any other allowance shall be payable to a person employed under these rules. (g) Before the expiry of the contract term, services under these rules may be terminated by either side by giving one month's notice or by paying one month's contract remuneration in lieu thereof. (h) A person employed under these rules shall be governed by the Madhya Pradesh Panchayat Service (Conduct) Rules, 1998. Other conditions of service shall be such as may be specified in the contract. COMMENTARY Samvida Shala Shikshak is not a Government Servant.-A person appointed under these Rules as Samvida Shala Shikshak by the Panchayat, his Employing Authority is not the State Government and his Controlling Authority is the Chief Executive Officer of the Panchayat. The person employed under this rule shall be governed by the M.P. Panchayat Services (Conduct) Rules, 1998, unlike a Government servant to whom the M.P. Civil Services (Conduct) Rules, 1965 are applicable. Hence he cannot be held to be a Government servant and therefore he cannot claim the relaxation of the upper age limit of 38 years. Arun Singh Bhadouriya v. State of M.P., 2009(2) 277. •[DB] 13. These rules shall also apply in the Schools run by Tribal Welfare Department

14. Power of State Government to Prescribe.-The power to "prescribe", wherever provided under these rules, shall be exercised by the Government by issuing executive orders

15. Interpretation.-If any question arises as to interpretation of these rules, the same shall be referred to the Government, whose decision thereon shall be final

16. Repeal and Saving.-The Madhya Pradesh Panchayat Samvida Shala Shikshak (Appointment and Conditions of Service) Rules, 2001 and other rules corresponding to these rules in force immediately before the commencement of these rules shall stand repealed With effect from the date on which these rules come into force: Provided that the orders made or the action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. I Clause (d) substituted by No. 4 [27-6-2011]. (PR)482 PAN. SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 ISCHEDULE - 1 Classification & Remuneration of Samvida Shala Shikshak [Rule 2 (f) and Rule 51 Classification of Remuneration Con- S. No. (1) 1. 2

3. Samvida Shala Shikshak (2) Grade -1 Grade -2 Grade -3 tract (3) Rs.9,000.00 Rs. 7,000.00 Rs. 5,000.00 2SCHEDULE - 11 Employing Authority (4) Zila Panchayat Zila Panchayat Janpad Panchayat. Age, Qualifications, Disqualifications and Appeal Committee for Samvida Shala Shikshak [See Rule 2(b) and Rule No, (1) 1

2. Classifica- tion of vida Shala Shikshak (2) Grade - 1 Grade - 2 Mini- mum Age (3) 21 years 21 years Maxi- mum Age (4) 40 years 40 years Educational qualifications (5) Masters degree in the relevant' subject with bachelor of Education (B.Ed.) or its equivalent. Bachelors degree in the relevant

subject and 2 years diploma in -Elementary Education or its equivalent. OR Bachelors degree in the relevant subject with at least 50% marks and Bachelors Degree in Education (B.Ed.) OR 12 Sch. 1 subs. by No.6 [17-1-2014]. In past, it was amended by No.2 [13-10-2008]. As amended subsequently by No. 1 [24-4-2008]; by No. 2 [13-10-2008]; by No. 3 [4-1-2010]; by No. 4 [27-6-2011]; & by No. 6 [17-1-2014]. PAN SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (PR)483 (1) 3. (2) Grade - 3 (3) 18 years (4) 40 —years (5) Bachelors degree in the relevant subject with at least 45% marks and Bachelor Degree in Education (B.Ed.) in accordance with the NCTE (Recognition Norms and Procedure) Regulations, issued from time to time in this regard. OR Higher Secondary Certificate Examination with at least 50% marks and Bachelor Degree in Elementary Education (B.El. Ed.). OR Higher Secondary Certificate Examination with at least 50% marks and 4 years Bachelor Degree in the relevant subject (B.A. B.Ed./ B.Sc. BEd.)r OR Bachelor Degree in the relevant subject with at least 50% marks and Bachelor Degree in Education (Special Education). Higher Secondary Certificate Examination with at least 50% marks (or its equivalent) and 2 years* Diploma in Elementary Education. OR Higher Secondary Certificate Examination with at least 45% marks (or its equivalent) and 2 years Diploma. in Elementary Education in accordance with. the NCTE (Recognition Norms and Procedure) Regulations, 2002. OR (PR)484 PAN. SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (1) Sl. No. 1 1. (2) (3) (4) SCHEDULE - 11 - (5) Higher Secondary • Certificate Examination with at least 50% marks (or its equivalent) and 4 years Bachelor in Elementary Education (B.El. Ed.) OR Higher Secondary Certificate Examination with at least 50% marks (or its equivalent) and 2 years in Diploma in Education (Special Education). OR Bachelor Degree and 2 years Diploma in Elementary Education or its equivalent. Contd. Remarks 7 Member of Appeal Committee 6 For objections received in relation to the provisional select list issued by the Zila Panchayat :- 1. Chairman, Education Committee, Zila Panchayat. -Chairman

2. All members of Education Committee, Zila Panchayat.-Members

3. Chief Executive Officer, Zila Panchayat.-Member Secretary

4. District Educational Officer.-Member

5. Assistant Commissioner Tribal Welfare.-Member. The minimum qualification for Samvida Shala Shikshak Grade-I (Sanskrit) of Sanskrit School shall be Acharya degree in 11 division in Sanskrit Literature/ Grammar etc. from recognised Institution/ University. PAN SAM SHALA SHIKSHAK (EMPLOY ...) RULES, 2005 (PR)485 1 2. 3. 6 For objections received in relation to the provisional select list issued by the Zila Panchayat :- 1. Chairman, Education Committee, Zila Panchayat. -Chairman

2. All members of Education Committee, Zila Panchayat.Members

3. Chief Executive Officer, Zila Panchayat.-Member Secretary

4. District Education Officer.-Member

5. Assistant Commissioner, Tribal Welfare .-Member. For objections received in relation to the provisional select list issued by the Janpad Panchayat :— 1. Chairman, Education Committee, Janpad Panchayat. -Chairman

2. All members of Education Committee, Janpad -Member.Panchayat

3. Sub-Divisional Officer, -Member.(Revenue)

4. Chief Executive Officer, Janpad Panchayat.-Member Secretary

5. District Education Officer or his nominee who is not below the rank of Block Education Officer.-Member

6. Assistant Commissioner, Tribal Welfare or his nominee who is not below the rank of Block Education Officer.-Member. 7 The minimum qualification for Samvida Shala Shikshak Grade-2 (Sanskrit) of Sanskrit School shall be Shastri degree in 11 division in Sanskrit Literature/ Grammar etc. from recognised Institution/ University

1. The minimum qualification for Samvida—Shala Shikshak Grade-3 (Sanskrit) Of Sanskrit School shall be Uttar Madhyama in Sanskrit Literature/Grammar etc. from recognised Institution/ Board

2. The minimum qualification for Samvida Shala Shikshak (Music/ Tabla Grade-3 teacher) shall be Certificate in -Music from recognised Institution

3. The minimum qualification for Samvida Shala Shikshak Grade-3 (Physical Instructor) shall be Certificate of Physical Education from any recognised Institution in addition to Higher Secondary Certificate Examination.

4. The minimum qualification for Samvida Shala Shikshak Grade-3 (Laboratory) shall be Higher Secondary Certificate Examination with at least 50% marks with Science subjects or equivalent. (PR)486 PAN. SAM. SHALA SHIKSHAK (EMPLOY. RULES, 2005 Note.-(a) qualifications :- (1) [xxx] (2) The relaxation in maximum age limit in respect of Scheduled Caste, Scheduled Tribe and Other Backward Classes or any other class shall be according to Government rules in force at the time of employment. The Honorary Teachers appointed for Government schools and part time teacher of Vocational Education shall be given fifteen years relaxation in age limit of 35 years: Provided that part time teacher of Vocational Education whose contract was terminated due to his work being found unsatisfactory will not be entitled for this relaxation.] (5) The candidate who have worked as Samvida Shala Shikshak and who apply fresh for employment as Samvida Shala Shikshak, shall be entitled to relaxation in maximum age limit to the extent of the period, they have worked previously as Samvida Shala Shikshak. On this basis, the relaxation shall be to a maximum of nine years. Provided their contract was not terminated due to their work being found unsatisfactory. (6) Daily Wage Workers who are either working or retrenched by Government, shall have relaxation in age limit equivalent to the period of service rendered by them subject to the condition that the candidate shall not have attained 40 years of age. (7) The minimum and maximum age shall be counted with reference to 1st January of the calendar year in which the vacancies are advertised. (8) The educational qualification for the employment of Samvida Shala Shikshak mentioned in column (7) Remarks of Schedule - 11, shall be acceptable also for other corresponding posts of Samvida Shala Shikshak. The State Government shall appoint the persons as Samvida Shala Shikshak possessing minimum qualification as laid down in column (5) of Schedule 11. If trained persons are not available in sufficient number the State Government may appoint untrained persons on the post of Samvida Shala Shikshak as per provision of the rules after due notification of the Central Government under section 23(2) of the Right of Children to Free and Compulsory Education Act, 2009 (No. 35 of 2009). Clause (1) omitted by No. 4 (27-6-2011). Clause (3) omitted by No. 6 [17-1-2014]. Before omission which was as under:- "(3) Women candidates shall have ten years relaxation in maximum age limit in addition to other relaxations." Clause (4) substituted by No. 4 [27-6-2011]. Clause (9) omitted by No. 6 [17-1-2014]. Before omission which was as under:- "(9) Widow and Divorcee candidate shall have five years relaxation in maximum age limit in addition to other relaxation." Clauses (9) to (11) added by No. 4 [27-6-2011]. PAN. SAM SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (PR)487 (11) The candidates who have worked as Guest Teacher in Government School for minimum three educational session, shall be entitled to five years relaxation in maximum age limit.) Relaxation up to 5% in the qualifying marks shall be allowed to the candidates belonging to reserved categories, such as Scheduled Caste, Scheduled Tribes, Other Backward Classes and Persons with disabilities.] (b) Disqualifications :-No person shall be entitled for employment for Samvida Shala Shikshak,- (1) Unless he/she is a citizen of India or a subject of Nepal or Bhutan; (2) If he/she has been dismissed for misconduct from service of Central Government, State Government, Zila or Janpad Panchayat or Gram Panchayat or any other local authority or a Co-operative Society or any Public Sector Undertaking under the control of Central Government or State Government; (3) If he/she has been convicted of an offence which involves moral turpitude; (4) If he/she has been convicted of an offence against women torture: Provided that where such case is in pending in a court against candidate, his/her case of appointment shall be kept pending till the final decision of the Criminal Case; (5) If he has more than one wife living, and in case of a female candidates, if she has married to a person having a wife living already; (6) If he/she has been convicted of criminal offence and has been punished: Provided that if a person has been so convicted but has been let off only with a warning and has not been sentenced to undergo any punishment, such conviction shall not be taken into account; (8) If he/she is an employee of the Central Government or of the State Government or of any local authority or of Central Government, or State Government undertaking or of any Government aided body, unless he/she obtains no objection certificate of his/her employer and submits it along with his/her application; (9) If he/she has more than two living children, one of them was born on 26-1-2001 or thereafter. (c) The Government may give Instructions for the Subjectwise Employment of Samvida Shala Shikshak Grade-3 if necessary. In this case the candidate

will have to hold the educational qualification shown in column (5) of Schedule - 11 with that particular subject. COMMENTARY. Schedule 11-Eligible conditions for recruitment to post of Sam-vida Shala Shikshak Grade III.-The State Government amended Rules of 2005 by Notification dated 27-6-2011 and prescribed the eligibility conditions for recruitment on the post of Samvida Shala 1 Clause (12) added by No. 6[17-1-2013]. 2 Clause (7) omitted by No. 4 [27-6-2011]. (PR)488 PAN SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 Shikshak Grades I, II and III in conformity with the conditions prescribed by the National Council for Teacher Education, issued by the Central Government. The advertisement for recruitment was issued in accordance with the amended Rules. In terms of the advertisement issued for Teacher Eligibility Test, the B.Ed. was not prescribed qualification. Samvida Shala Shikshaks Grade III have to impart education to the students of Class I to Class V III. In D.Ed. Course the teachers are specially trained to teach small children in primary classes whereas in B.Ed. Course the training is imparted to the teachers to teach the students of higher classes. Therefore, it cannot be said that teachers who hold the B.Ed. degree are suitable for appointment as teachers to impart education to the students of Class I to Class VIII. *Sanyogita Thakur v. State of M.P.*, 2013(2) MPLJ 206. SCHEDULE - 11 Contract Extension Committee s. No. (1) I 2

3. Classification of Samvida Shala Shikshak (2) Grade- 1 Grade-2 Grade-3 (See Rule 0) Members of Contract Extension Committee (3) (1) Chairman of Education Committee of Zila Panchayat (2) Chief Executive Officer, Zila Panchayat (3) District Education Officer, Assistant Commissioner/District Officer, Tribal Welfare Deptt.(4) Two Members nominated by Education Committee of Zila Panchayat. (1) Chairman of Education Committee of Janpad Panchayat. (2) Chief Executive Officer, Janpad Panchayat. (3) Block Education Officer. (4) Two Members nominated by Education Committee of Janpad Panchayat. (1) Chairman of Education Committee of Janpad Panchayat. -Chairman. -Member Secretary. -Member. -Member. -Chairman. -Member Secretary. -Member. -Member. -Chairman. 11 PAN. SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (PR)489 (2) Chief Executive Officer, Janpad -Member Panchayat. (3) Block Education Officer. (4) Two Members nominated by Education Committee of Janpad Secretary. -Member. -Member. Panchayat. Note—I. If none of the persons in item No. (1), (2) and (3) of column No. (3) against serial number 1, 2 and 3, belongs to Scheduled Castes/Scheduled Tribes, one of the members against item No. (4) in Column No. (3) shall be nominated from these categories

2. If none of the persons in item No.(1), (2) and (3) of column No. (3) against serial number 1, 2 and 3, is a woman, one of the members against item No. 4 in Column No. (3) shall be a woman. SCHEDULE - IV hxxxI APPENDIX Form of Contract [See Rule This Contract made on the day of between (hereinafter called the "Samvida Shala Shikshak Shri Grade - I/ Grade - II/ Grade - III") on the one part and of for and on behalf of the the on the Other part. Whereas the (name of Panchayat) has agreed for employment of the candidate as "Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III (name of School) from the day of (year) on the following terms and conditions in addition to the conditions provided in the Madhya Pradesh Panchayat Samvida Shala Shikshak (Employment and conditions of contract) Rules, 2005. Now it is agreed between the parties as follows :- (1) The shall employ and the Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III shall serve the as from the day of (2) The Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III shall serve the for the period of years from the day of subject to earlier termination as hereinafter provided. (3) The Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III shall devote his/her whole time to the duties of the service and will not engage directly or indirectly in any trade, business or occupation on his/her own account and shall not (except in the case of accident or sickness certified by the competent medical authority) absent himself/herself from his/her duties without having first obtained permission from the Chief Executive Officer of the Zila/Janpad Panchayat. (4) The Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III shall not be transferred from his/her place of posting and he/she shall make his/her place of posting as his/her headquarter. (5) This contract may, at any time during the continuance thereof, be terminated by either party giving to the other party at least one calendar month's notice in writing to that effect. Any such notice given by or on behalf of the Zila/Janpad Panchayat shall be deemed to be sufficient, if addressed to the Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III and sent by registered post to his/her last known place of residence : Provided that, the services of the Samvida Shala Shikshak Grade - I/ Grade - II/ Grade - III may be terminated without

notice and the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade-III shall be paid equivalent to one month's contract remuneration by the concerned Panchayat: Provided further that if the contract is terminated by the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III before the expiry of the contract period without giving the requisite one month's notice, he/she shall pay one month's contract remuneration to the concerned Panchayat. (6) The contract of the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III may at any time be terminated without any notice if the Samvida Shala Shikshak Grade I/ Grade - 11/ Grade - III commits any misconduct or any willful breach or neglect of the terms of this contract or of his/her duties or any of the duties which may from time to time be assigned to him/her. (7) During the term of his/her employment, the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III shall be paid Rs. per month. (8) The Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III shall not be entitled to any pensionary benefits. (9) Notwithstanding anything contained in clause (5) of this contract, it shall be lawful for the Zila Panchayat/Janpad Panchayat to terminate the contract of the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III at any time during the continuance of this contract, if it is satisfied on the report of a duly constituted advisory Medical Board that the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III is unfit, and is likely for a considerable period to continue to be unfit by reason of ill health for the discharge of his/her duties, his/her services shall be terminated after giving one month's notice to him/her. In the event of such termination, the Panchayat shall not be liable to pay any compensation to the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III for the unexpired period of the contract. (10) The Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade III shall, while travelling on duty only, be entitled to travelling allowance as per rules applicable to the Class - III employees on the concerned Panchayat. PAN. SAM. SHALA SHIKSHAK (EMPLOY. ...) RULES, 2005 (PR)491 (1 1) During the course of his/her employment, the Samvida Shala (12) (13) Shikshak Grade - I/ Grade j- 11/ Grade - III shall be allowed leave in accordance with the provision of clause (d) of Rule 12 of the Madhya Pradesh Panchayat Samvida Shala Shikshak (Employ- ment and Conditions of Contract) Rules, 2005. If the candidate does not hold on the date of Contract the Degree/ Diploma/ Certificate of B.Ed./ B.T.C./D.Ed., he/she shall have to submit such Degree/ Diploma/ Certificate during the period of this Contract failing which his/her period of Contract shall not be extended. A Samvida Shala Shikshak's character verification shall be carried out immediately after employment. For the purpose, the Samvida Shala Shikshak shall have to furnish information as prescribed within 15 days. If in Character Verification, any- thing adverse is found, this contract shall be cancelled by the Employing Authority after giving an opportunity to be heard to the Samvida Shala Shikshak. (14) This contract shall be terminated as soon as he or she becomes the father or mother of a third living child. (15) If an Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III absents himself/herself from duty without due permission, or remains absent on leave exceeding the days or period, as mentioned in rule 12, cf the Madhya Pradesh Panchayat Sam- vida Shala Shikshak (Employment and Conditions of Contract) Rules, 2005, an remuneration proportionate to such period shall be deducted from his/her contract remuneration. (16) Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - III has to perform all other work/duties assigned by employing authority from time to time. In witness whereof the parties hereto have executed this Contract on day of first herein above written and sign and the seal of Zila Panchayat/Janpad Panchayat has been affixed hereto. In the presence of— 1 2 (1) (2) Signature of the Employing Authority Signature (Name) of the Samvida Shala Shikshak Grade - I/ Grade - 11/ Grade - 111 Signed and sealed by Chief Executive Officer, Zila Panchayat/Janpad Panchayat