

THE UTTAR PRADESH PRAVIDHIK SHIKSHA ADHINIYAM, 1962

[U.P. ACT No. XVII of 1962]

Amended by

U.P. Act No. XXIII of 1966

U.P. Act No. 35 of 1974

[Passed in Hindi by the Uttar Pradesh Legislative Council on September 18, 1962 and by the Uttar Pradesh Legislative Assembly on November 1, 1962 and again passed by the Uttar Pradesh Legislative Council, with amendments made by Uttar Pradesh Legislative Assembly on November 5, 1962.]

Received the assent of the Governor on November 23, 1962 under Article 20 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated November 30,

1962.]

AN

ACT

to provide for the Establishment and Constitution of a Board of Technical Education in Uttar Pradesh and for matters connected therewith.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:

Short title and extent

1. (i) This Act may be called the Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962.

(ii) It shall extend to the whole of Uttar Pradesh.

Definition

or context:

2. In this Act, unless there is anything repugnant in the subject

(a) “affiliated institution” means an institution affiliated to the Board in respect of any course or courses of study in accordance with the provisions of the Act or the regulations made thereunder;

(b) “Board” means the Uttar Pradesh Pravidhik Shiksha Parishad (Board of Technical Education, Uttar Pradesh)

established under section 3;

(c) “bye-laws” means the bye-laws made under section 24;

(d) “centre” means the institution or the place fixed by the Board for the purpose of holding its examinations and includes the premises attached or appurtenant thereto;

(e) “certificate” means the certificate awarded by the Board to a person for successfully completing in an affiliated institutions such courses of study as may from time to time be prescribed by regulations;

1. For S.O.R. see Gazette Extraordinary, dated August 20, 1962.

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(f) “Chairman” means the Chairman of the Board appointed

by the State Government under section 4;

(g) “diploma” means a diploma awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by regulations;

¹ [and includes a preparatory diploma, advanced diploma, higher diploma, intermediate diploma or a diploma awarded for completing a post-diploma course.]

² [(gg) “Director” means the Director of Technical Education, Uttar Pradesh and includes for the purposes of sections 22-A to 22-G, any officer not below the rank of Deputy Director, Technical Education authorized by the Director in that behalf.]

(h) “invigilator” means a person who assists the Superintendent of a Centre in conducting and supervising the examinations at the Centre and includes a project observer in relation to a project examination;

³ [(hh) “Management” or Committee of Management, in relation to an affiliated institution, means the Managing Committee or other body charged with managing the affairs of that institution;]

(i) “member” means a member of the Board and includes the Chairman and the Vice-Chairman thereof;

(j) “regulations” means regulations made under section 23;

(k) “rules” means rules made by the State Government under section 22;

(l) “Secretary” means the Secretary of the Board appointed by the State Government under section 11;

(m) “State” means the State of Uttar Pradesh;

(n) “Superintendent of Centre” means the person appointed by the Board to conduct and supervise examinations of the Board and includes an additional Superintendent and an associate Superintendent; and

(o) “Vice-Chairman” means the Vice-Chairman of the Board appointed by the State Government under section-4.

**Establishment
of the Board**

3. There shall be established by the State Government by notification in the *gazette* a Board to be called the Uttar Pradesh Pravidhik Shiksha Parishad (i.e. the Board of Technical Education, Uttar Pradesh) and such a notification may be made at any time after the commencement of this Act, notwithstanding the fact that one or more of these seats of members are yet to be filled.

1. *Ins. by sec. 2 of U.P. Act no. 23 of 1966.*

2. *Ins. by section 2(i) of U.P. Act No. 35, 1974.*

3. *Ins. by section 2(ii) ibid.*

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Constitution of

[4.(1)] The Board shall consist of the following members

the Board

namely:

- (i) The Chairman, nominated by the State Government;
- (ii) the Vice-Chairman, nominated by the State Government;
- (iii) four members selected by the State Legislative Assembly from amongst its members;
- (iv) two members selected by the State Legislative Council from amongst its members;
- (v) one representative each of the departments of ²[Industries and Finance] of the State Government;
- (vi) two representatives of industry, nominated by the State Government;
- (vii) one principal from amongst the principals of the Degree Colleges for Girls situate in the State to be nominated by the State Government;
- (viii) one representative of ³[Ministry of for the time being dealing with Technical Education,] Government of India;
- (ix) one representative of the Northern Regional Committee of the All India Council for Technical Education;
- (x) one representative of the Railway Board;
- (xi) one representative of the Institution of Engineers (India);
- (xii) one representative of the Indian Institute of Technology, Kanpur;
- (xiii) one representative of the Military Engineering Service, ⁴[of the Command having its headquarters in the State.];
- (xiv) four of the principals of the institutions affiliated to the Board, by rotation in the manner prescribed by rules;
- ⁵[(xv) one representative of each university established by or under an Uttar Pradesh Act having a Faculty of Engineering or Technology, by whatever name called so, however, that where the number of such universities exceeds five, only five universities shall be represented by rotation in the manner prescribed by rules;]
- (xvi) the Chief Engineers of the Public Works, Local Self-Government (Engineering) and Irrigation Departments of the State Government—*ex-officio*;
- (xvii) the Chief Engineer of the State Electricity Board—*ex-officio*;
- (xviii) the Vice-Chancellor of the Roorkee University—*ex-officio*;

1. Renumbered by section 3 of U.P. Act No. 35 of 1974.

2. Subs. by section 3(i) of U.P. Act no. XXIII of 1966.

3. Subs. by section 3(ii) *ibid*.

4. Subs. by section 3(iii) of U.P. Act no. XXIII of 1966.

5. Subs. by section 3(iv) *ibid*.

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(xix)the[DirectorofEducation,(SecondryEducation)]Uttar Pradesh—*ex-officio*;

(xx)theDirector,TrainingandEmploymentUttarPradesh—*ex-officio*;

(xxi)theDirectorofTechnicalEducation,Uttar Pradesh—*ex-officio*;

(xxii)theDirectorofIndustries,UttarPradesh—*ex-officio*;

(xxiii)theElectricalInspectortotheStateGovernment—*ex-officio*;and

(xxiv)twopersons,nominatedbytheStateGovernment.

2[(2)Themembersmentionedinclauses(xvi),(xvii)(xix),(xx) and(xxii)ofsub-section(1)may,insteadofattendinganymeetingof theBoardthemselves,deputeanyofficersubordinateto them notbelow therankofDeputyChiefEngineerorDeputyDirector,asthe case may be,andtheofficersodeputedshallbeentitledtotakepartinthe proceedings oftheparticularmeetingforwhichtheyaredeputed and shallalso beentitledtovoteatsuchmeeting.]

Co-optionof

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Termofthe

sections(3)and(4)and officeof
members

5.TheBoardmayco-

maybeexpertsinsubjectsincludedinthecoursesofstudylaidd bytheBoard.Nameofthepersonsco-optedandthetermofco-

ofeach,whichshallnotexceedthreeyears,shallbenotifiedinth *Gazette*.

3[6.(1)Subjecttotheprovisions ofsub-

ofsection7—

(a)thetermofofficeofmembersmentionedinc lauses(i)to (iv),(vi),(ix)and(xxiv)ofsection4shallbethreeyea rsfromthe respectivedatesonwhichtheirappointmentisnotifi edinthe *Gazette*;

(b)thetermofofficeofmembersmentionedinc lauses(vii), (xiv)and(xv)ofsection4shallbesuchas maybepres cribedby rules.

(2)Membersmentionedinclauses(v),(viii)and(x)t o(xiii)of section4,maybenominatedbytheappropriateauthoritiesorb odies fromtimetotime.

(3)Except*ex-officio*membersandmembersreferredtoinsub- section(2),amembermayatanytimebywritingunderhishand , addressedtotheSecretarytotheBoardresign his office.

(4)Amembershallceasetoholdofficeassuchwhen heceases toholdtheofficebyvirtueofwhichorthecapacityinwhichheb ecame eligibleorwasnominatedforthemembership.]

[1.Subs.bysection3\(a\)ofU.P.ActNo.35,1974.](#)

2.*Ins.bysection3(b)ibid.*

3.[Subs.bysection4ofU.P.ActNo.XXIIIof1966.](#)

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Removal of

member

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Meetings of the

Board

sections(2)and(3),observesuch

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7.TheStateGovernmentmayremovefromthemembershipa

memberwhoinitsopinionhassoabusedhispositionassuchme

astorenderhiscontinuanceontheBoarddetrimentaltothepubl
interest:

ProvidedthattheStateGovernmentshall,beforeremovinga
memberasforesaid,givehimanopportunityofexplanationa
placeonrecordthereasonsforhisremoval.

8.(1)TheBoardshallmeetatsuchtimesandplacesandshall,

subjecttotheprovisionsofsub-

prodecureintransactingthebusinessatitsmeeting,includingt
quorumthreat,asmaybeprovidedbybye-

(2)TheChairmanandinhisabsence,theVice-

Chairmanshall

presideatthemeetingsoftheBoard.Intheabsenceofboth,any
memberchosenbythememberspresentinthemeetingshallpr
esideat thatmeeting.

(3)AllquestionsarisinginameetingoftheBoardsha

llbe

decidedbymajorityofvotesofthememberspresentandvotin
gand,in

caseofequalityofvotes,thepersonpresidingatsuchmeetings
hall haveasecondorcastingvote.

Vacancies, etc.

invalidate acts

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Offices of the

Secretary of

the Board

Functions and

duties of the

Board

ard

9.NoactorproceedingsoftheBoardorofaCommittee **notto**

appointedbyit,shallbedeemedtobeinvalidbyreasonmerelyo

existenceofanyvacancyin,oranydefectintheconstitutionoft

Boardorthecommittee,orbecauseofanyirregularityinproced
notaffectingthemeritsofthecase.

10.TheofficeoftheBoardshallbelocatedatsuchplacein **Board**
UttarPradeshasmaybefixedbytheStateGovernment.

11.(1)TheStateGovernmentshallappointaSecretarytothe

BoardtoassisttheBoardincarryingoutthepurposesofthisAct.

(2)TheSecretaryshallbeaGovernmentsservant.

12.SubjecttotheprovisionsofthisActandtherulesand

regulationsmadethereunder,thefunctionsanddutiesoftheBo
shallbe—

(i) to affiliate institutions and prescribe courses of study and

instruction

(ii) to prescribe standards for buildings and equipment of

affiliated

(iii) to prescribe educational qualifications and other

standards for them

(iv) to prescribe educational and other qualifications for admission of students to affiliated institutions;

(v) to prescribe the manner of admission of students to affiliated institutions;

(vi) to admit candidates to examinations conducted by it;

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(vii) to conduct examinations for promotion from lower to higher classes and also for awarding certificates and diplomas;

(viii) to publish results of examinations conducted by it;

(ix) to grant certificates and diplomas to students who have completed the prescribed courses of study in an affiliated institution and have passed the examinations conducted by it;

(x) to co-operate with other authorities and bodies in such manner and for such purposes as may be necessary for giving effect to the provisions of this Act;

(xi) to advise the State Government on co-ordinated development of technical education and training regarding the same;

(xii) to do all other such acts and things as may be necessary for the proper discharge of its functions under this Act or the rules or regulations made thereunder; and

(xiii) to carry out such other duties as may be imposed upon it under this Act or the rules or regulations made thereunder.

Power to the Board

13.(1) The Board shall, subject to the provisions of this Act and the rules made thereunder, have all such powers as may be necessary for the discharge of its functions and the performance of its duties under this Act, or the rules or regulations made thereunder.

(2) In particular and without prejudice to the generality of the foregoing powers, the Board shall have the powers:

1[(i) to cancel an examination or withhold the result of an examination of a candidate, or to disallow him from appearing at any future examination who is found by it to be guilty of—

(a) using unfair means in the examination; or

(b) making any incorrect statement or suppressing material information or fact in the application form for admission to the institution or to the examination; or

(c) fraud or impersonation at the examination; or

(d) securing admission to the examination in contravention of the rules governing admission to such examination or

(e) any act of gross indiscipline in the course of the examination;]

2[(i-A)to deduct marks at an examination of any candidate found by it to be guilty of any act of indiscipline in the course of the examination;] and

(ii) to cancel the result of an examination of any candidate 3[found by it to be guilty] of all or any of the acts mentioned in sub-clauses (a) to (d) of clause (i) or for any *bona fide* error of the Board in the declaration of the result:

1. *Subs. by section 5(i) of U.P. Act No. XXIII of 1966.*

2. *Ins. by section 5(ii) ibid.*

3. *Subs. by section 5(iii) ibid.*

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Provided that the result of an examination shall not be cancelled on the ground of a *bona fide* error of the Board after the expiry of 90 days from the date of announcement of the result of the examination;

(iii) to prescribe fees for the examinations conducted by it and provide for the manner of their realization;

(iv) to refuse affiliation of an institution—

(a) which does not fulfil, or is not in a position to fulfil, or does not come up to, the standards for staff, instructions, equipment, or buildings laid down by the Board in this behalf; or

(b) which does not or is not willing to abide by the conditions of affiliation laid down by the Board in this behalf;

(v) to withdraw affiliation of an institution not able to adhere to, or make provision for, standards of staff, instructions, equipment, or buildings laid down by the Board, or on its failure to observe the conditions of affiliation, to the satisfaction of the Board;

(vi) to call for reports from the heads of affiliated institutions in respect of any act of contravention of the rules or regulations or decisions, instructions or directions of the Board, and take suitable action for the enforcement of the rules or regulations or decisions, instructions or directions of the Board, in such manner as may be prescribed by regulations;

(vii) to inspect an affiliated institution for the purpose of ensuring due observance of the prescribed courses of study and

that facilities for instructions are duly provided and available; and

(viii) to fix the maximum number of students that may be admitted to courses of study in an affiliated institution.

(3) The decision of the Board in all matters mentioned in sub-sections (1) and (2) shall be final.

Powers of the

State Government

of

the

Board

14. (1) The State Government may communicate to the Board its views on any work done or conducted by the Board or in respect of any matter with which the Board is concerned and the Board shall thereupon report to the State Government the action taken or proposed to be taken by it in regard thereto.

(2) If the Board fails to take action within a reasonable time to the satisfaction of the State Government or fails to communicate the action taken or proposed to be taken, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with the provisions of this Act and the rules and regulations made thereunder as it may think fit. The Board shall comply with the said directions within the time specified therein and if it fails to do so, the State Government may take all such steps as it may deem necessary to give effect to such directions.

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(3) Notwithstanding anything in sub-sections (1) and (2), the State Government, in any emergency which in its opinion requires that immediate action should be taken, may, without prior reference to the Board, issue such directions or take such other action consistent with the express provisions of this Act as it may think fit].

Powers and

duties of the Chairman

shall

exercise

such

15. (1) The Chairman shall, subject to the superintendence, control and direction of the Board, have the power to do all acts required for implementing the decisions of the Board and shall exercise such other powers and perform such other duties as may be prescribed by rules.

(2) The Chairman shall, subject to the superintendence, control and direction of the Board, have power to make such order on the decisions of the committees constituted under sub-section (1) of section

18, as may be within the jurisdiction of the Board and as he may deem fit. The Chairman shall inform the Board of every such order at its next meeting.

(3) The Chairman may in an emergency, which in his opinion, requires that immediate actions should be taken, deal with any matter within the competence of the Board and, subject to the provisions of this Act, the rules and regulations made thereunder, by order in writing take such action as he may deem necessary. The Chairman shall thereupon forthwith inform the Board, at its next meeting, of the action so taken.

(4) The Board may, subject to the provisions of subsection (3) of section 14, confirm, set aside or modify the order passed by the Chairman under subsection (2) or (3), and pass such other orders as may be considered expedient or necessary in regard to matters arising from the action taken by him.

(5) Any action taken, or order passed, by the State Government under subsection (3) of section 14, whether in respect of any matter dealt with by the Chairman under subsection (2) or (3) or otherwise, shall be final and be not questioned before any court of law, and shall prevail over any order passed by the Chairman or the Board under this section.

Powers and **16. The Vice-Chairman** shall exercise such powers and perform **duties of the** such duties of the Chairman as may be prescribed by rules or delegated **Vice-Chairman** to him by the Chairman.

Powers and **17.** The Secretary shall be the chief executive officer of the Board and shall, subject to the superintendence, control and directions of the Board, be responsible for the execution of its decisions. He shall exercise such other powers and perform such other duties as may be prescribed by rules, and in particular-

(a) be responsible for the preparation of the estimates of account and annual statements of income and expenditure;

1. [Subs. by section 6 of U.P. Act No. XXIII of 1966.](#)

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(b) be responsible for ensuring that all moneys allotted to the Board are spent for the purposes for which they are allotted;

(c) be responsible for keeping the minutes of the meetings of the

Board; and

(d) be entitled to be present at the meetings of the Board and

take part in the proceedings, but shall have no right of vote.

**Constitution of
committee and
sub-committees**

18. (1) The Board shall constitute a [Committees of courses], an

Examination Committee, a Committee for Inspections and Affiliations
and such other committees as may be prescribed by
rules or

regulations. The Secretary shall be an *ex-officio* member of each such
committee.

(2) A Committee constituted under sub-section (1) shall consist
of such members and such other persons as the Board may in each
case appoint. The term of a committee and the number of its members
shall be such as may be prescribed by regulations.

(3) A Committee of the Board may co-opt such persons and for
such period as it thinks fit, provided that the number of persons co-
opted shall not exceed one-third of the total number of members of the
committee.

(4) A member of a committee, or a person co-opted by it, may
resign his office by writing addressed to the Board, or the committee, as
the case may be.

(5) A casual vacancy in the committee caused by resignation
under sub-section (4), or arising from any other cause, shall be filled by
fresh appointment or co-option in the manner provided in sub-section
(2) or (3), as the case may be.

(6) A committee appointed under this Act may
constitute
subcommittees for such purposes as may be prescribed by regulations,
and for such period as it may think fit.

**Delegation and
reference to
committees by
the Board**

19. (1) The Board may, by general or special order delegate,
either unconditionally or subject to such conditions and limitations, if
any including the condition of review by itself, as may be specified in
the order, to any Committee appointed under this Act, such of its
powers and duties under this Act as it deems necessary.

(2) Without prejudice to the generality of the foregoing power,
the Board may refer any question arising in the course of the exercise of
its powers or performance of its duties and functions under this Act to
the appropriate Committee and where reference is so made, the Board
shall, before taking a decision thereon, consider the report,
recommendations and suggestions of the Committee]

1. [Subs. by section 8 of U.P. Act No. XXIII of 1966.](#)

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**Authentication
of orders and
other
instruments of
the Board**

20. (1) All decisions of the Board shall, subject to the provisions

of this Act and the rules and regulations made thereunder, be arrived
at by resolution, duly passed by it, and shall be authenticated by the
signature of the Chairman or such other member as may be authorised
by the Board in this behalf.

(2) All instruments executed on behalf of the Board shall be
authenticated by the signature of the Secretary or such other officer of

the Board as may be authorised by it in this behalf.

**Superintendent
of a Centre and
invigilator to be
public servants**

21.(1) Every Superintendent of a Centre and every invigilator

shall, during the period of an examination conducted by the Board, and for a period of one month prior to the commencement of, and of two months immediately following the close of such examination, be deemed to be public servant within the meaning of Section 21 of the

Indian Penal Code.

**Act XLV of
1860
Act V of 1898**

1[(2) An assault on, or use of criminal force to, a Superintendent of a Centre or an invigilator during the period mentioned in sub-section (1) shall be deemed to be an obstruction voluntarily caused to a public servant in the discharge of his public functions punishable under Section 186 of the Indian Penal Code (Act XLV of 1860), and shall, notwithstanding anything contained in the [Code of Criminal

Procedure, 1898 (Act V of 1898)] be a cognizable offence.]

**Power to make
rules**

22.(1) The State Government may, by notification and after

previous publication in the Gazette, make rules to carry out the

purposes of this Act.

(2) Without prejudice to the generality of the foregoing power,

such rules may provide for-

2 [(a) the manner of rotation and the term of office of members mentioned in Clauses (vii), (xiv) and (xv) of Section 4];

(b) the rates of travelling and daily allowances payable to members of the Board, committees and sub-committees and the persons so-opted thereto, and the manner of their payment;

(c) the additional powers, duties and functions of the Board, the Chairman, the Vice-Chairman and the Secretary; and

(d) any other matter which under this Act is to be or may be prescribed by rules.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

1. [Sec. 21. Renumbered as sub-sec. \(1\) and sub-section \(2\) inserted by sec. 9 of U.P. Act No. XXIII of 1966.](#)

2. *Subs. by section 10 ibid.*

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**Scheme of
Administration**

22-A.(1) Notwithstanding anything in any law, document or

degree or order of a court or other instrument, there shall be a Scheme of Administration for every institution whether affiliated before or after

the commencement of the Uttar Pradesh Pravidhik Shiksha (Sanshodhan) Adhiniyam, 1974.

(2) The Scheme of Administration shall, among other matters, provide for the constitution of a Committee of Management vested with

authority to manage and conduct the affairs of the affiliated institution.

(3) The Principal of the affiliated institution shall be ex-

officio member of the Committee of Management with a right to vote.

(4) The Principal of the affiliated institution shall neither attend the meeting of the Committee of Management nor shall he exercise his right to vote whenever a charge concerning his personal conduct is under discussion.

(5) The Scheme of Administration shall also describe, subject to any regulations, the respective powers, duties and functions of the Principal and the Committee of Management in relation to the affiliated institution.

(6) Where more than one affiliated institution is maintained by a body or authority, there shall be a separate Committee of Management for each such institution, unless otherwise provided in the regulations for any class of affiliated institutions.

(7) The Scheme of Administration of every affiliated institution shall be subject to the approval of the Director and no amendment or change in such scheme shall be made at any time without the prior approval of the Director in writing.

(8) Every affiliated institution shall be managed in accordance with the Scheme of Administration framed under and in accordance with this Section and Sections 22-B and 22-G.

Period within which the scheme of Administration shall be substituted

22-B(1) In the case of an institution already affiliated at the

date of commencement of the Uttar Pradesh Pravidhik Shiksha (Sanshodhan) Adhiniyam, 1974, a draft of the Scheme of

Administration shall be prepared and submitted to the Director for his approval in accordance with Section 22-C within six months from the said commencement and in all other cases along with the application

for affiliation.

(2) Where an institution which has already been affiliated at the commencement of the Uttar Pradesh Pravidhik Shiksha (Sanshodhan) Adhiniyam, 1974, fails to comply with the provisions of sub-section (1) within the period provided therefor, the Director shall send a notice to such institution requiring it to submit the Scheme of Administration within a further period of three months;

[1. Ins. by Section 4 of U.P. Act No. 35 of 1974.](#)

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Provided that on a representation by the affiliated institution prior to the expiry of the extended period, the Director may, in his discretion, allow a further extension for a period of three months.

(3) If the scheme is not submitted within the time allowed, the Director shall take action in accordance with Clause (a) or Clause (b) of sub-section (3) of Section 22-D.

Approval of the draft Scheme of

22-C.(1)(1) Subject to the regulations governing the principles

Administration for according approval to the Scheme of Administration, the Director shall, within such period of time as may be specified in the regulations, either approve the draft Scheme of Administration submitted under Section 22-B or suggest any alteration or modification therein.

(2) Where the Director suggests any modification in the draft Scheme of Administration under sub-section (1), he shall send a copy of the same to the affiliated institution giving his reasons therefor and affording an opportunity to such institution to make a representation, within such period of time, as may be specified in the regulations;

Provided that in case the Director does not suggest any alteration or modification in the draft Scheme within the period specified in the regulations, draft Scheme shall be deemed to have been approved.

(3) The Director shall consider any representation made in accordance with the provisions of sub-section (2) and may approve the Scheme of Administration in its original form, or subject to the modifications suggested under the said sub-section or with any other modification as may appear to him to be just and proper;

Provided that where the Director proposes to make a new modification in the Scheme of Administration, he shall provide an opportunity to the affiliated institution to make a representation to him within such period of time as may be specified in the regulations.

Inspection of affiliated institution and removal of defects **22-D.** (1) The Director may cause an affiliated institution to be inspected from time to time.

(2) The Director may direct the Management of an affiliated institution to remove any defect or deficiency found on inspection or otherwise.

(3) Where the Management fails to comply with any direction made under sub-section (2), the Director may, after considering the explanation or representation, if any, given or made by the Management-

(a) refer the case to the Board for withdrawal of affiliation; or
(b) recommend to the State Government to proceed against the affiliated institution under sub-section (4).

(4) If no receipt of a recommendation referred to in Clause (b) of subsection (3), the State Government is satisfied that in the interest of the institution it is necessary that the Management of that institution be handed over to an Authorized Controller, the State Government may

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by an order, for such period as may be specified in the order, appoint an Authorized Controller and that Authorized Controller may take over the management of the institution including management of the land, buildings, funds and other assets belonging to

he or vested in the institution to the exclusion of the Committee of Management or any other person, and whenever the Authorized Controller takes over the

management, he shall, subject only to such restrictions as the State Government may impose, have in relation to the management of the institution all such powers and authority as the Committee of Management would have, if no order were made under this sub-section.

(5) The period for which an order may be made under sub-section (4) shall not exceed one year in the first instance;

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper management of the institution, it may from time to time extend the operation of the order for such period, not exceeding one year at a time, as it may specify, so however, that the total period of the operation of the order, including the periods specified in the initial order under sub-section (4) does not exceed five years;

Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Committee of Management of the Institution, the Authorized Controller shall continue to keep the management in his hands until the State Government is satisfied that the Committee of Management has been lawfully constituted;

Provided further that the State Government may at any time revoke an order made under sub-section (4) or under this sub-section.

(6) No person who is appointed Authorized Controller under section (4), shall be personally liable for acts done by him in good faith in performance of the duties entrusted to him.

(7) Any order made or directions given under sub-section (4) shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment or instrument relating to the management and control of the institution (including any Scheme of Administration) or relating to the property belonging to or vested in the institution.

(8) No order made by the Board withdrawing affiliation under Clause (a) of sub-section (3) and no order made under sub-section (4) shall be called in question in any court.

(9) The powers conferred by this Section shall be in addition to and not in derogation of any powers conferred on the State Government or the Authorized Controller under any other law.

Appointment of teachers **22-E.** (1) Qualifications for appointment as Principal and of teachers shall be laid down by regulations;

Provided that the Board may, after considering the report of the Director, exempt any person from the requirement of minimum qualifications having regard to his experience, education and other attainments.

[The Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962]

(2) There shall be constituted in every affiliated institution a selection committee with the head of such institution as an *ex-officio* member thereof, for the purpose of selecting candidates for appointment as teacher in the affiliated institution.

(3) For the selection of Principal of an affiliated institution, there

shall likewise be constituted a selection committee of three members one of whom shall be a person not belonging to the district in which the affiliated institution is located, selected by the Committee of Management out of the regional panel referred to in sub-section (4).

(4) The Director shall prepare for each region a panel of persons to act as nominated members in the Selection Committee referred to in sub-section (3).

(5) The constitution of the selection committee referred to in subsections (2) and (3), the conduct of business at their meetings, the preparation of regional panels and other matters shall be regulated by regulations.

**Procedure of
selection of
Principal and
teacher**

22-F. (1) Subject to the provisions hereinafter specified, no

person shall be appointed as Principal or teacher in an affiliated institution unless he-

(a) possesses the qualifications laid down in the regulations or has been exempted from such qualifications under subsection (1) of Section 22-E;

(b) has been recommended by the selection committee constituted under sub-section (2) or sub-section (3), as the case maybe, of the said Section and approved by the Director;

Provided that where the Director is satisfied that for any affiliated institution, no candidate possessing all the qualifications laid down in the regulations is available for appointment, he may permit the affiliated institution to employ as a temporary measure any suitable person for a period not exceeding one year;

Provided further that such period of one year may be extended with prior approval of the Director;

Provided also that in the case of leave vacancy or of a vacancy occurring for a part of the session of the affiliated institution, it shall be lawful for the Committee of Management to appoint a principal or teacher, and in that case information of such an appointment shall be given forthwith to the Director.

(2) The name of the selected candidates shall be forwarded for approval to the Director along with the list showing the names, qualifications and such other particulars, as may be laid down by regulations, of all candidates whom may have applied for selection.

(3) The Director shall give his decision within two weeks of the receipt of the relevant papers mentioned in sub-section (2), failing which approval shall be deemed to have been accorded.

[The Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962]

(4) Where the Director disapproves, for reasons to be recorded in writing, of any name proposed under sub-section (1), the Management may, within three weeks of the receipt of the disapproval, make a representation against it to the State Government whose decision in the matters shall be final.

(5) Where a recommendation made under sub-section (2) has been disapproved and the representation of the Management, if any, under sub-section (4) has been rejected, the selection committee shall proceed to select and recommend another name for approval as provided by Section 22-E and this Section.

(6) Where the selection made under sub-section (5) is again disapproved and the representation, if any, against the disapproval has not been accepted, the Director may appoint any qualified person out of the list of the candidates applying for the vacancy and such appointments shall be final.

**Dismissal or
removal etc. of
teachers**

22-G. (1) No Principal or teacher may be discharged or removed

or dismissed from service or reduced in rank or subjected to any diminution in emoluments, or served with notice of termination of service except with the prior approval in writing of the Director, whose decisions shall be communicated within such period as may be provided

by regulations.

(2) The Director may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of service proposed by the Management:

Provided that in the case of a punishment, before passing orders, the Director shall give an opportunity to the principal or teacher to show cause within a fortnight of the receipt of the notice why the proposed punishment should not be approved.

(3) Nothing in this Section shall apply to an order of suspension during the pendency or in contemplation of an inquiry.]¹

**Power to make
regulations**

23. (1) The Board may, for carrying out the purposes of this Act,

make regulations consistent with the provisions of this Act and the rules framed thereunder and submit the same for approval of the State Government. The State Government may approve, modify or vary the regulations. The regulations, as approved by the State Government, shall be published in the Gazette and shall take effect from the date of publication, but where a date has been specified, from that date.

(2) Without prejudice to the generality of the foregoing powers, the regulations may provide for-

(a) the appointment, constitution, powers and duties of the committees and sub-committees constituted under this Act;

(b) the manner and conditions of conferment of certificates and diplomas;

(c) the conditions for affiliation of institutions;

¹ Ins. by Section 4 of U.P. Act No. 35 of 1974.

[The Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962]

(d) the courses of study to be prescribed for certificate and diploma examinations;

(e) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for certificates and diplomas;

- (f) the fees for admission to the examinations of the Board and the manner of their realisation;
- (g) the conduct of examinations;
- (h) the appointment of examiners, moderators, collators, scrutinisers, tabulators, centre inspectors, superintendents of Centres and invigilators and their duties and powers in relation to the Board's examinations, and the rates of their remuneration;
- (i) standards for buildings including land appurtenant thereto, the equipment and apparatus necessary for institutions seeking affiliation;
- 1[(j) the qualifications, conditions of service, scales of pay and strength of teaching and non-teaching staff of affiliated institutions;]
- (k) publication of results of examinations conducted by the Board;
- (l) the minimum educational and other qualifications for admission of students to an affiliated institution;
- (m) admission of students to affiliated institutions;
- (n) the inspection of affiliated institutions with a view to ensure due observance of the prescribed courses of study and that facilities for instruction are duly provided and availed of;
- (o) the conditions under which a candidate may be disallowed admission to the examination of the Board or courses of study in an affiliated institution;
- (p) withholding or cancelling results of an examination conducted by the Board, and cancelling an examination conducted by it in respect of any candidate;
- (q) the circumstances under which affiliation of an institution may be withdrawn or refused;
- (r) inspection of a Centre; 2[***]
- 3[(ra) the powers, duties and functions of Principal and the Committee of Management;
- (rb) the principles under which approval to a Scheme of Administration may be accorded;
- (rc) the period of time during which a representation may be made to the Director under sub-section (2) of Section 22-C;
- (rd) the period of time on the expiry of which a draft Scheme of Administration shall be deemed to have been approved by the Director under the provision to sub-section (2) of Section 22-C;

1. *Subs. and be deemed always to have been substituted by Section 5(i) of U.P. Act No. 35 of 1974.*

2. *Del. by section 5(ii) of U.P. Act No. 35 of 1974.*

3. *Inserted by section 5(ii) ibid.*

[The Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962]

- (re) the period of time during which a representation may be made by an affiliated institution under the provision to subsection

(3) of Section 22-C;

(rf) the constitution of the Selection Committee referred to in sub-section (2) and sub-section (3) of Section 22-E, the conduct of business at their meetings and the preparation of regional panels;

(rg) the particulars to be forwarded to the Director under subsection (2) of Section 22-F;

(rh) all matters relating to the appointment and conditions of service of principals and teachers of affiliated institutions; and

(s) any other matter which under this Act or rules made thereunder is to be or may be prescribed by regulations.

**Power to make
by-laws**

24. (1) The Board may make bye-laws for giving effect to the provisions of this Act, and the rules and the regulations made thereunder.

(2) Without prejudice to the generality of the foregoing powers, such bye-laws may provide for-

(a) the procedure to be observed at meetings of the Board and the number of members required to form a quorum;

(b) the giving of notice to members of the Board, a committee or a sub-committee of the date of a meeting and of the business to be considered thereat, and for the keeping of the record of proceedings of such meetings; and

(c) any other matter which, under this Act or the rules or regulations made thereunder, is to be or may be prescribed by bye-laws.

**Transitional
provisions**

25. Notwithstanding anything contained in the foregoing provisions of this Act, on the commencement of this Act-

(i) the Board of Technical Education (hereinafter called the Technical Education Board) constituted under G.O. No. 1687-A/III-160-K-1958, dated May 13, 1958, as modified from time to time, shall be deemed to be the Board established under Section 3 till such Board is established in accordance with the provisions of that Section and Section 4, and upon the Board being so established the Technical Education Board shall stand dissolved;

(ii) the Chairman and the Vice-Chairman of the Technical Education Board shall respectively be deemed to be the Chairman and the Vice-Chairman appointed under Section 4 till a Chairman or as the case may be, a Vice-Chairman is appointed in accordance with that Section;

[The Uttar Pradesh Pravidhik Shiksha Adhiniyam, 1962]

(iii) each of the committees of Technical Education Board known as the Text Book and Syllabus Committee, the

Examination Committee, the Results Committee,
and the
Inspection and Affiliation Committee, shall function as a
Committee constituted under Section 18 till a corresponding
committee is constituted under the said section and upon a
committee being so constituted the corresponding committee of
the Technical Education Board shall stand dissolved;

(iv) any institution affiliated to the Technical Education
Board shall be deemed to have been affiliated to the Board
under this Act on the same terms and conditions; and

(v) any resolution passed by the Technical Education Board
before the said commencement shall until regulations on that
subject are made, have the same effect as regulation made

under this Act.

**Power to
remove
difficulties**

26. With a view to remove any difficulty in giving effect to the
provisions of this Act, the State Government may, during the period of
one year after the commencement of this Act, regulate by order any
matter which is to be regulated by a rule or regulation under this Act,
anything contained in the Act notwithstanding.

