



Chaudhary Charan Singh University, Meerut

CODE OF CONDUCT FOR TEACHERS

MEERUT UNIVERSITY HANDBOOK

Volume I



PART - A

THE UTTAR PRADESH STATE UNIVERSITIES ACT, 1973

As re-enacted and amended by :
U.P. Act No. 29 of 1974; and

Further amended by :
U.P. Act No. 21 of 1975
U.P. Act. No. 5 of 1977 and
U.P. Ordinance No. 14 of 1977

PART - B

FIRST STATUTE OF THE
UNIVERSITY OF MEERUT

(as amended upto date)

U.P. STATE UNIVERSITIES ACT, 1973
(U.P. ACT NO. 10 OF 1973)
AN INTRODUCTORY NOTE

Prior to the enactment of the U.P. State Universities Act, 1973, the various Universities in Uttar Pradesh were being regulated by separate Acts. Several commissions and committees appointed by the Government of India and the State Government had pointed out the necessity of improving the functioning of the Universities, and, therefore, the Uttar Pradesh State Universities Act, 1973 was enacted to amend and consolidate the law with a view, in particular, to toning up the academic and financial administration of higher education in the State of Uttar Pradesh. This Act provides for the re-organisation of the Court, the Executive Council and other bodies of the University and also contains provisions for the following matters which were not provided for in the law.

- (a) Security of service of teachers of degree colleges.
- (b) Constitution of Selection Committee for the appointment of Principals and teachers of degree Colleges.
- (c) Introduction of correspondence courses and allowing persons to appear as private candidates.
- (d) Opening of post-graduate classes in associated colleges of Allahabad and Lucknow Universities with the previous approval of the Chancellor.
- (e) Provision for autonomous colleges and working men's colleges.
- (f) Provision for gratuity for teachers, killed or wounded in incidents arising out of their duties connected with the conduct of examinations.
- (g) Disqualifications of members of the Executive Council from participation in matters in which their personal interest is involved.
- (h) Supersession of the Executive Council in case of failure to discharge functions properly.
- (i) Students, participation in the University administration.
- (j) Penalty for charging capitation fees whether in the form of donations or otherwise for admission of students to degree colleges.
- (k) Regulation of the administration of degree colleges.
- (l) Barring suits in civil courts in respect of day to day functioning of the Universities.

The provisions of this Act, in the first instance, were enforced by way of an Ordinance (U. P. State Universities Ordinance, 1973) which was promulgated on June 12, 1973 and was made enforceable w. e. f. June 18, 1973. As the State of Uttar Pradesh was, at that time, under the President Rule, the ordinance was repealed by President's Act No. 10 of 1973 published in the Gazette of September 2, 1973, and made effective from September 3, 1973 with the provision that anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 18th day of June, 1973. The President's Act was repealed and re-enacted with some modifications by the U. P. Universities (Re-enactment and Amendment) Act, 1974 (U. P. Act No 29 of 1974) published in the Gazette on September 25, 1974. The Act was further amended by the U. P. Education Laws Amendment Act, 1975 (U. P. Act No. 21 of 1975) published in the Gazette on May 3, 1975. It was again amended by U. P. Education Laws Amendment Ordinance, 1976 effective from December 28, 1976 and also by U. P. Education Laws Amendment Ordinance 1977 effective from April 21, 1977. The Ordinance of 1977 was repealed by the U. P. Education Laws Amendment Act, 1977 (U. P. Act No. 5 of 1977) which was published in the Gazette on July 24, 1977 and came into force on April 21, 1977. Section 39 of Act No. 5 of 1977 provides that, notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the ordinance of 1973 and the ordinance of 1976, shall be deemed to have been done or taken under the corresponding provisions of the Principal Act as amended by Act No. 5 of 1977, as if the provisions of Act No. 5 of 1977 were in force at all material times. Recently, the Act has been further amended by U. P. Homeopathic Medicine Amendment Ordinance, 1977 (U. P. Ordinance No. 14 of 1977).

The Act No. 10 of 1973, as enacted and amended is applicable to all the State Universities, except the Agricultural Universities.

In exercise of the power contained in Section 50 (1) of the Act, the State Government has framed the First Statutes of the Meerut University which were published in the Gazette on April 20, 1977 and were made effective from 1st May, 1977. Since then twenty amendments have in First Statutes of the University have been received from the State Government which have been incorporated in this Volume.

January 1, 1987
MEERUT UNIVERSITY
MEERUT

CHANDER BHAN
Registrar

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(b) to review from time to time the results of University examinations and submission of reports, thereon to the Academic Council;

(c) to make recommendations to the Academic Council for the improvement of the examination system ;

(d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the University.

(3) The Examinations Committee may appoint such number of sub-committees as it thinks fit, and in particular, may delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

{ (4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its powers in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.}*

30. The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

CHAPTER V APPOINTMENT AND CONDITION OF SERVICE OF TEACHERS AND OFFICERS

31. (1) Subject to the provisions of this Act, Appointment the teachers of the University and the teachers of an of teachers. affiliated or associated college (other than a college maintained exclusively by the State Government shall be appointed by the Executive Council or the Management of the affiliated or associated college, as the case may be, on the recommendation of a Selection Committee in the manner hereinafter provided.

(2) The appointment of every such teacher, Director and Principal not being an appointment under sub-section (3), shall in the first instance be on pro-

*Inserted by Act No. 5 of 1977 words 'or by a local authority', omitted by U.P. Act 12 of 1978 as well in the entire Chapter VI.

bation for one year which may be extended for a period not exceeding one year :

Provided that no order of termination of service during or on the expiry of the period of probation shall be passed—

(a) in the case of a teacher of the University, except by order of the Executive Council made after considering the report of the Vice-Chancellor and (unless the teacher is himself the Head of the Department), the Head of the Department concerned ;

(b) in the case of Principal of an affiliated or associated college, except by order of the Management ; and

(c) in the case of any other teacher of an affiliated or associated college, except by order of the Management made after considering the report of the Principal and (unless such teacher is the senior-most teacher of the subject), also of the senior-most teacher of the subject.

Provided further that no such order of termination shall be passed except after notice to the teacher concerned giving him an opportunity of explanation in respect of the grounds on which his services are proposed to be terminated :

Provided also that if a notice is given before the expiry of the period of probation or the extended period of probation, as the case may be, the period of probation shall stand extended until the final order of the Executive Council under clause (a) of the first proviso or, as the case may be, until the approval of the Vice-Chancellor under section 35 is communicated to the teacher concerned.*

(3) (a) In the case of teacher of the University other than a Professor, the Vice-Chancellor in consultation with the Dean of the Faculty and the Head of the Department concerned and an expert nominated by the Chancellor in that behalf and in the case of a teacher of an affiliated or associated college, the Management in consultation with an expert nominated by the Vice Chancellor in that behalf may make officiating appointment in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the Selection Com-

* Inserted by Act No. 5 of 1977.

mittee, but shall not fill any other vacancy or post likely to last for more than six months without such reference.

(b) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months, and such post is subsequently converted into a permanent post a vacancy caused by the grant of leave to an incumbent for a period exceeding ten months and such post subsequently becomes permanently vacant or any post of same cadre and grade is newly created or falls vacant in the department then unless the Executive Council or the Management, as the case may be, decides to terminate his services after giving an opportunity to show cause, it may appoint such teacher in a substantive capacity to that post without reference to a Selection Committee :

Provided that this clause shall not apply unless the teacher concerned holds the prescribed qualifications for the post at the time of such substantive appointment, and he has served continuously for a period of not less than one year after his appointment made after reference to a Selection Committee :

Provided further that appointment in a substantive capacity under this clause of a teacher who had served, before such appointment, continuously for a period of less than two years, shall be on probation for one year which may be extended for a period not exceeding one year, and the provisions of sub-section (2) shall apply accordingly.¹

(4) (a) The Selection committee for the appointment of a teacher of the University (other than the Director of an Institute and the Principal of a constituent college), shall consist of—

(i) the Vice-Chancellor, who shall be the Chairman thereof :

(ii) the Head of the Department concerned :

Provided that the Head of the Department shall not sit in the Selection Committee, when he is himself a candidate for appointment or when the post concerned is of a higher rank than his substantive post and in that event his office shall be filled by the Professor in the Department and if there is no Professor by the Dean of the Faculty ;

1. Substituted by Act No. 5 of 1977.

(Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a Selection Committee cannot be constituted in accordance with the preceding proviso he may direct the constitution of the Selection Committee in such manner as he thinks fit.)¹

(iii) in the case of a Professor or Reader, three experts, and in any other case, two experts to be nominated by the Chancellor ;

(iv) in the case of appointment of teachers in a department of a constituent medical college upgraded under any scheme sanctioned by the Central Government, one nominee each of the Central Government and the State Government ;

(v) in the case of appointment of teachers of an Institute or constituent college, the Director of the Institute or the Principal of the constituent college as the case may be.

(b) The Selection Committee for the appointment of the Director of an Institute or the Principal of a constituent college shall consist of—

(i) the Vice-Chancellor, who shall be the Chairman thereof ;

(ii) two experts to be nominated by the Chancellor.

(c) The Selection Committee for the appointment of the Principal of an affiliated or an associated college (other than a college maintained exclusively by the State Government) shall consist of— , for

(i) the Head of the Management, or a member of the Management nominated by him who shall be the Chairman ;

(ii) [one of the Deans or Professors of those Faculties, which comprise subjects taught in the college to be nominated by the Vice-Chancellor:]²

(iii) one member of the Management nominated by the Management ; and

(iv) two experts to be nominated by the Vice-Chancellor ;

Provided that in the case of appointment of the Principal of an affiliated college, the Dean of Faculty shall not sit in the Selection Committee, if he is himself a teacher of that college ;

1. Inserted by Act No. 5 of 1977.

2. Substituted by Act No. 5 of 1977.

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India the experts shall be nominated by the Management from out of a panel of five experts suggested by the Management and approved by the Vice-Chancellor.

[Provided also that in the case of colleges referred to in the preceding proviso, the Dean or Professor who shall be the member of the Selection Committee under sub-clause (ii) shall also be nominated by the Management from out of a panel of five Deans or Professors suggested by the Management and approved by the Vice-Chancellor and if the requisite number of such Deans or Professors is not so available, the panel may include the names of Principals of affiliated or associated colleges]¹

(d) The Selection Committee for the appointment of other teachers of an affiliated to associated college (other than a college maintained exclusively by the State Government shall consist of

(i) the Head of the Management or a member of the Management nominated by him, who shall be the Chairman ;

(ii) the Principal of the college and another teacher of the college nominated by the Principal;

(iii) two experts to be nominated by the Vice-Chancellor :

[Provided that in the case of a college where there is no Principal or other teacher available for being a member of the Selection Committee under subclause (ii), the remaining members referred to in this clause shall constitute such Selection Committee.]²

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the experts shall be nominated by the Management from out of a panel of five experts suggested by the Management and approved by the Vice-Chancellor.

(5) (a) a panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding faculty in Indian Universities or such academic bodies or research institutions in or outside Uttar Pradesh as the Chancellor

1. Inserted by Act No. 5 of 1977.

2. Inserted by Act No. 29 of 1974 and be deemed always to have been inserted.

may consider necessary. Every expert to be nominated by the Chancellor under sub-section (4) shall be a person whose name is borne on such panel.

(b) The Board of each Faculty shall maintain a standing panel of sixteen or more experts in each subject of study, and every expert to be nominated by the Vice-Chancellor under sub-section (4) shall be a person whose name is borne on the panel.

(c) A panel referred to in clause (a) or clause (b) shall be revised after every three years.

[(d) The Chancellor or the Vice-Chancellor, as the case may be, may intimate in a specified order, a larger number of names of experts than required under subsection (4) for serving as his nominees on the Selection Committee. In such case, on any person whose name appears higher in the specified order not being available for a meeting of the Selection Committee, a person whose name appears nearest lower in the specified order shall be requested to serve on the committee.]¹

Explanation I.—For the purposes of this subsection, a branch of subject in which a separate course of study is prescribed for a post-graduate degree or for Part I or Part II thereof shall be deemed to be a separate subject of study.

Explanation II. - Where the post of teacher to be selected is common to more than one subject of study, the expert may belong to either of such subjects of study.

(6) No recommendation made by a Selection Committee referred to in sub-section (4), shall be considered to be valid unless one of the experts had agreed to such selection.

(7) Subject to the provisions of sub-section (6), the majority of the total membership of any Selection Committee shall form the quorum of such Committee.

[(7-A) It shall be open to the Selection Committee to recommend one or more but not more than three names for each post]²

(8) (a) In the case of appointment of a teacher of the University, if the Executive Council does not

1. Inserted by Act No. 29 of 1974.

2. Inserted by Act No. 29 of 1974.

agree with the recommendation made by the Selection Committee, The Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement, and his decision shall be final.

[Provided that if the Executive Council does not take a decision on the recommendations of the Selection Committee within a period of four months from the date of the meeting of such Committee, then also the matter shall stand referred to the Chancellor, and his decision shall be final.]¹

(b) In the case of appointment of a teacher of an affiliated or associated college, if the Management does not agree with the recommendation made by the Selection Committee, the Management shall refer the matter to the Vice-Chancellor along with the reasons of such disagreement, and his decision shall be final ;

Provided that in the case of appointment of a teacher of an affiliated or associated college, established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, if the Management does not agree with the recommendation made by a Selection Committee, the Management shall have the right to appoint another Selection Committee and the decision of that Committee shall be final.

(9) The disqualification of members of Selection Committee for appointment of teachers of the University and the Principals and other teachers of such affiliated or associated colleges on the ground of interest for participating in the deliberations of such Committees and other matters relating to appointment of such Principals and teachers shall be prescribed by the Statutes.

(10) No selection for any appointment under this section shall be made except after advertisement of the vacancy in at least three issues of two newspapers having adequate circulation in Uttar Pradesh.

[(11) (a) No teacher recommended by the Selection Committee shall be appointed by the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government) unless prior approval of the Vice-Chancellor has been obtained.

(b) The Management shall, as soon as possible, after the meeting of the Selection Commi-

1. Inserted by Act No. 5 of 1977.

tee, submit the recommendations of the Committee, along with other relevant documents to the Vice-Chancellor for approval.

(c) The Vice-Chancellor, if he is satisfied that the candidate recommended by the Selection Committee does not possess the minimum qualifications or experience prescribed, or that the procedure laid down in the Act for the selection of the teacher has not been followed, shall convey to the Management, his disapproval :

Provided that if the Vice-Chancellor does not convey his disapproval within a period of one month from the date of receipt of the documents referred to in clause (b), or does not send to the Management any intimation in connection therewith, he shall be deemed to have approved of the proposal.]¹

[(12) Notwithstanding anything contained in this section, the Executive Council, with the prior approval of the Chancellor, or the Management with the prior approval of the Vice-Chancellor, may appoint on deputation on the post of a teacher any Government servant who possesses the qualifications prescribed for the post.]²

[(13) The Principal of the King George's Medical College, Lucknow, shall be appointed on the recommendation of the Selection Committee constituted under clause (b) of sub-section (4) from amongst the Professors of the said College, and the provisions of sub-section (10) shall not apply in relation to such selection.]³

31 A. Personal promotion to teachers of University (1) Notwithstanding anything to the contrary contained in any provision of this Act, a Lecturer or Reader in the University substantively appointed under Section 31, who has put in such length of service and possesses such qualifications, as may be prescribed, may be given personal promotion, respectively to the post of Reader or Professor. (2) such personal promotion shall be given on the recommendation of the Selection Committee, constituted under clause (a) of sub-section (4) of Section 31, in such manner and subject to such conditions as may be prescribed. (3) Nothing contained in this section shall affect the posts of the teachers of the University to be filled in by direct appointment in accordance with the provisions of Section 31.]⁴

1. Substituted by Act No. 5 of 1977

2. and 3.

32. (1) Except as otherwise provided by Statutes, no salaried officer and teacher of the University shall be appointed except under a written contract which shall be consistent with the provisions of this Act, the Statutes and the Ordinances. Contract of appointment of teachers of the University

(2) The original contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) In the case of an officer or teacher employed before the commencement of this Act, all contracts in force, immediately before such commencement, shall, to the extent of any inconsistency with the provisions of this Act or the Statutes or the Ordinances, be deemed to have been modified by the said provisions.

(4) Notwithstanding anything contained in any contract or other instrument, teachers of any constituent medical college shall not have the right of private practice, except to such extent, if any, and subject to such conditions and restrictions as the State Government may by general or special order specify.

33. The University and every affiliated or associate college shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be [specified by general or special order by the State Government]¹ such pension, insurance or provident fund, as it may deem fit including a fund from which such teachers or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as Superintendent of a Centre or invigilator as defined in Uttar Pradesh Universities (Provisions Regarding Conduct of Examinations) Act, 1965.

34. (1) The conditions regarding payment of remuneration to the teachers of the University or for an affiliated or an associated college for any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission shall (X X X)² be such as may be prescribed. Limits of additional remunerative work permissible to teachers

(2) No teacher of the University or of an affiliated or associated college shall at any time, hold more

1. Substituted by Act No 21 of 1975.

2. The words 'and the holding of the "remunerative offices" by them' deleted by Act No. 29 of 1974.

than one remunerative office carrying duties other than teaching or duties connected with any examination.

Explanation—The words "remunerative offices" include the offices of Warden or Superintendent of a Hall or Hostel, Proctor, Games Superintendent, Librarian, and any office in the National Cadet Corps, National Sports Organisation, National Social Service Scheme and University Employment Exchange.

Conditions of service of teachers of affiliated or associated colleges other than those maintained by Government or local authority.

35. (1) Every teacher in an affiliated or associated college (other than a college maintained exclusively by the State Government) shall be appointed under a written contract which shall contain such terms and conditions as may be prescribed. The contract shall be lodged with the University and a copy thereof shall be given to the teacher concerned, and another copy thereof shall be retained by the college concerned.

(2) Every decision of the Management of such college to dismiss or remove a teacher or to reduce him in rank or to punish him in any other manner shall, before it is communicated to him, be reported to the Vice-Chancellor and shall not take effect unless it has been approved by the Vice-Chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1), of Article 30 of the Constitution of India, the decision of the management dismissing, removing or reducing in rank or punishing in any other manner any teacher shall not require the approval of the Vice-Chancellor, but, shall be reported to him (and) unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(3) The provisions of sub-section (2) shall also apply to any decision to terminate the services of a teacher, whether by way of punishment or otherwise, but shall not apply to any termination of service on the expiry of the period for which the teacher was appointed :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the decision of the Management terminating the service of any teacher shall not require the approval of the Vice-Chancellor, but, shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(4) Nothing in sub-section (2) shall be deemed to apply to an order of suspension pending inquiry, but any such order may be stayed, revoked or modified by the Vice-Chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, such order may be stayed, revoked or modified by the Vice-Chancellor only if the conditions prescribed for such suspension are not satisfied

(5) Other conditions of service of teachers of such colleges shall be such as may be prescribed.

36. (1) Any dispute arising out of a contract of appointment referred to in section 32 or section 33 shall be referred to a Tribunal of Arbitration which shall consist of the following members, namely :

Tribunal of Arbitration.

(a) in the case of an officer or teacher of the University, one member nominated by the Executive Council, one member nominated by the officer or teacher concerned and one member (who shall act as convener) nominated by the Vice-Chancellor.

(b) in the case of a teacher of an affiliated or associated college, one member nominated by the Management of the college, one member nominated by the teacher concerned, and one member (who shall act as convener) nominated by the Vice-Chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the Convener shall be selected by the nominees of the management and the teacher concerned out of a panel of five persons suggested by the management and approved by the Vice-Chancellor :

Provided further that in the event of their failure to appoint the Convener within the time prescribed the Vice-Chancellor shall nominate a Convener out of the panel.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The Tribunal of Arbitration shall have the power—

- (i) to regulate its own procedure :
- (ii) to order reinstatement of the officer or teacher concerned; and
- (iii) to award salary to the officer or teacher concerned, after deducting therefrom such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceedings shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

CHAPTER VII

AFFILIATION AND RECOGNITION

Affiliated
Colleges

37. (1) This section shall apply to the Universities of Agra, Gorakhpur, Kanpur and Meerut and such other Universities (not being the Universities of Lucknow and Allahabad) as the State Government may by notification in the *Gazette* specify.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliation, as may be prescribed, to the privileges of affiliated or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (8), withdraw or curtail any such Privilege :

[× × × ×]

(3) It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University, for co-operation in the work of teaching or research.

1. Proviso omitted by Act No. 5 of 1975.

Registrar
Ch. Charan Singh University
Meerut