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NOTIFICATION

No. B. 13016/9/90-EDS, the 23rd January, 1991. Whereas Middle Schools and High Schools in Mizoram are run and maintained mostly with the financial assistance from the Government since public contribution for the purpose has not been substantial and

Whereas it is considered desirable to place the Middle Schools and High Schools on the sound financial basis to effect better administrative control and enhancement and uniformity of the standard of higher education in Mizoram.

Therefore, the Governor of Mizoram is pleased to make the Mizoram Middle Schools and High Schools provincialisation Rules, 1991 namely :-

1. Short title. 1. 1) These rules may be called the Mizoram Middle Schools and High Schools (Provincialisation) Rules, 1991.
extent and commencement.
- 2) They shall extend to the whole of the State of Mizoram.
- 3) They shall come into force with immediate effect.
2. Definitions. 2 In these rules unless the context otherwise required -
 - i) "Director" means the Director of School Education, Mizoram.
 - ii) "Employee" means a person in the employ of a School, working against a regularly sanctioned post and whose appointment has been approved by the competent authority wherever such approval was necessary.
 - iii) "Fixed date" means the date from which the order for provincialisation of a School comes into force.

- iv) "Government" means the Government of Mizoram.
- v) "Managing Committee" means a Managing Committee constituted under the Education Department's Grant-in-aid rules and duly approved by the competent authority.

3. Eligibility or Provincialisation.

- 3. i) High Schools - The minimum requirement as on the fixed date for a High School to be provincialised shall be as given below :-
 - (a) The School should possess at least 3 bighas of land in case of rural areas and 1 bigha of land in case of urban areas. This condition may be relaxed by the Government in exceptional cases.
 - (b) The minimum enrolment of the School shall be the product of 30 students multiplied by the number of classes catered in the School, provided that this minimum enrolment shall be the product of 25 students multiplied by the number of classes catered in the school in case of High Schools meant exclusively for female students.
 - (c) Every such school must have qualified Headmasters and Teachers.
- (ii) MIDDLE SCHOOLS— The minimum requirement as on the fixed date for a Middle School to be provincialised shall be given below:—
 - (a) The school should possess at least 2 bighas of land in case of rural areas and 1 bigha of land in case of urban areas. This condition may be relaxed by the Government in exceptional cases.
 - (b) The minimum enrolment of the School shall be the product of 25 students multiplied by the number of classes catered in the School.

4. Selection and appointment of teaching and nonteaching staff of the provincialised Schools.

- (i) All existing incumbents, to be absorbed into Government Service consequent upon the provincialisation of the institutions in which they were serving, should appear before the Mizoram Public Service Commission/Departmental Promotion Committee for assessment of their suitability or otherwise for absorption into Government Service.
- (ii) (a) 50 in per cent of the post of Headmasters shall be filled in by absorption of existing incumbents of the post of Headmasters of the provincialised Schools, provided that they possess the prescribed minimum qualification in accordance with the recruitment rules for Headmasters in force and found suitable for absorption into Govt.

Service. Provided further that an incumbent to be so absorbed should have put in a minimum period of 10 (ten) year. of service as a Headmaster in deficit High/Middle School as the case may be.

- (b) 30 per cent of the posts of Headmasters of the provincialised Schools shall be filled in by direct recruitment from candidates found eligible in accordance with the existing recruitment rules for Headmaster.
 - (c) 20 per cent of the posts of Headmasters shall be filled in by promotion of the eligible incumbents of the feeder posts for Headmasters in existing Government High/Middle Schools, as the case may be, in accordance with the Recruitment Rules in force.
 - (d) The duly qualified and suitable Headmasters, but not absorbed into Government service as Headmasters under rule 4(ii)(a) may be considered for direct recruitment as Headmasters under sub-clause (b).
- (iii)
- (a) 50 per cent of the posts of Assistant Headmasters shall be filled in by absorption of existing incumbents of the posts of Headmasters mentioned under rule 4 (ii) (d) and of the post of Assistant Headmasters of the provincialised Schools concerned, provided that they possess the prescribed minimum qualification in accordance with the Recruitment Rules for Assistant Headmasters in force and are found suitable for absorption into Government service. Provided further that an incumbent to be so absorbed must have put in a minimum period of 5 years as Headmaster/Assistant Headmaster in deficit High/Middle School as the case may be.
 - (d) 50 per cent of the posts of Assistant Headmasters shall be filled in by promotion of the eligible incumbents of the feeder posts for Assistant Headmasters in existing Government High/Middle Schools, as the case may be, in accordance with the Recruitment Rules in force.
 - (c) The duly qualified and suitable Headmasters but not absorbed as Headmasters under rule 4(ii)(a) and (d) may be considered for absorption as Assistant Headmasters.
- (iv)
- (a) Subject to availability of sanctioned posts in the provincialised School, all teachers possessing the prescribed minimum qualification and having put in at least two years continuous service as teachers in deficit High/Middle Schools as the case may be, immediately preceding the taking over of the School, may be deemed to be employees of the Government with effect from the date of provincialisation of the School.

(b) All existing eligible Headmasters and Assistant Headmaster, not already absorbed as Headmasters/Assistant Headmasters under rule 4(ii) and (iii) shall be absorbed as teachers in their respective provincialised school and shall be deemed to be employees of the Government with effect from the date of provincialisation of the school, provided that they have put in at least two years continuous service as members of the teaching staff in deficit High/Middle Schools, as the case may be, immediately preceding the taking over the school.

(v) Subject to availability of sanctioned post in the provincialised school, all member of the non-teaching staff with at least one year continuous service in the school may be deemed to be employees of the Government in their respective ranks with effect from the date of provincialisation of the school.

5. Service conditions for Headmasters, Assistant Headmasters. Teachers and their employees of the provincialised High Schools and Middle Schools.

(i) The teaching and non-teaching staff of the provincialised school so absorbed into Government service shall be entitled to such scales of pay and allowances and other benefits as may be admissible to Government employees of corresponding ranks in the Government School service and shall be entitled to retain such pay and allowances as were admissible to them immediately before the date of provincialisation of the School.

(ii) For the purpose of fixation of inter-se-seniority, the services of the teaching and non-teaching staff of the provincialised schools shall be counted with effect from the date of provincialisation of the school:

Provided that the continuous past services of the teachers, including the Headmaster and the Assistant Headmaster, in deficit aided High/Middle Schools shall be given weightage by counting 3(three) years of such continuous service as 1(one) year of service under the Government upto a maximum of 5 (five) years of service in the cadre.

(iii) For pensionery benefits, the services of the incumbents shall be counted from the date of appointment in the deficit school, consequent upon which the Government considers him/her as to have rendered continuous service.

(iv) The past services of Headmasters/Assistant Headmasters/Teachers of deficit-aided High/Middle School appointed through direct recruitment shall not be given weightage in case of determination of the inter-se-seniority.

(v) The inter-se-seniority of the teachers and other employees of the provincialised school vis-a-vis other teachers and employees of existing Government Schools shall be determined

by the Director on the basis of such evidence as may be necessary, in accordance with existing rules and Government instructions issued in this regard from time to time.

- (vi) Unless otherwise directed by the Government, the cadre of a teacher of a provincialised school shall be the cadre to which he is entitled to be admitted on the date of provincialisation of the Schools in which he was serving.
- (vii) Immediately from the date of provincialisation of the school, all matters relating to appointment confirmation, promotion, retirement, superannuation, pension, gratuity etc. in respect of the provincialised school shall be governed by the existing Government rules and instructions issued thereon from time to time.

6. Conditions for Provincialisation of High School and Middle School. (i) All properties of the provincialised Schools including lands, buildings, etc. held by the Managing Committee of the Schools before provincialisation, shall vest in the Government.

(ii) Immediately from the date of provincialisation of the School, all liabilities of the erstwhile Managing Committee of the School shall vest in the Government.

(iii) Immediately from the date of provincialisation of the School, the Managing Committee of the School shall stand dissolved and all powers and authorities in regard to governess, maintenance, management and control of the School and its employees shall be vested in the Government.

7. Suits and proceedings: Except with the previous sanction of the Government, no suits or other legal proceedings shall lie for anything done in good faith under this rules,

8. Powers of the Government. The Government may, by notification to be published in the official Gazette, provincialise any Middle School or High School in Mizoram and consequent upon such provincialisation, all the provisions of these rules shall apply to the School and its employees.

9. Power of Interpretation. If any dispute arises on the interpretation of any of these rules, the interpretation of the Government shall be final.

10. Power to relax the rules, etc. If any difficulty arises in giving effect to these rules, the Government may, by order, relax the provisions of these rules. Where Government is satisfied that such relaxation is necessary or expedient for the purpose of removing that difficulty.

(DENGCHHUANA),
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