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NOTIFICATION

No. B-13016/90-EDS, the 24th September, 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 sufficiently substantial.

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

Now, therefore, in exercise of the powers conferred under proviso to Article 309 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules, namely—

- Short title, extent and Commencement.
1. (a) These rules may be called the Mizoram Middle Schools and High schools (Provincialisation) Rules, 1991.
 - (b) They shall extend to the whole of the state of Mizoram.
 - (c) They shall come into force at once on the date of publication in the Mizoram Gazette.
- Definitions.
2. In these rules unless the context otherwise requires :—
 - (a) "Director" means the Director of School Education, Mizoram;
 - (b) "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;

- (c) "fixed date" means the date from which the order for provincialisation of school comes into force;
- (d) "Government" means the Government of Mizoram;
- (e) "Managing Committee" means a Managing Committee constituted under the Education Department's Grant-in-aid Rules and duly approved by the competent authority.

Powers of the Government

3. 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.

Eligibility for provincialisation for High Schools.

4. (1) 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 three bighas of land in case of rural areas and one 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 means exclusively for female students ;
- (c) every such school must have qualified Headmaster and Teachers.

Eligibility for provincialisation for Middle Schools.

(2) The minimum requirement as on the fixed date for a Middle School to be provincialised shall be as given below :—

- (a) the school should possess at least two bighas of land in case of rural areas and one bigha of land in case of urban areas. This condition may be relaxed by the Government in exceptional case
- (b) the minimum enrolment of the school shall be the product of 25 students multiplied by the number of classes catered in the school ;
- (c) every such school must have qualified headmaster and teachers.

Conditions 5.
for provin-
cialisation
of High School
and Middle
School.

- (a) 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.
- (b) Immediately from the date of provincialisation of the school, all liabilities of the erstwhile Managing Committee of the school shall vest in the Government.
- (c) 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 governance, maintenance, management and control of the school and its employees shall be vested in the Government :—

Selection 6.
and appoint-
ment of tea-
ching and
non-teaching
staff of the
provincialised
schools.

- (1) All existing incumbents, to be appointed in 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 appointment in Government service.

Recruitment of
Headmasters
for provincia-
lised schools.

- (2) The following method of Selection shall be followed for the recruitment of Headmasters in the provincialised school; namely.
 - (i) 50 percent of the posts of Headmaster shall be filled in by appointment of existing incumbents of the post of Headmaster 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 appointment in Government Service. Provided further that an incumbent to be so appointed should have put in a minimum period of 10 (ten) years teaching experience in a recognised school;
 - (ii) 30 percent of the posts of Headmaster of the provincialised schools shall be filled in by direct recruitment from candidates found eligible for Government service with a minimum period of 8 years teaching experience and selected by the Mizoram Public Service Commission /Selection Board/Departmental Promotion Committee constituted by the Government on the basis of a written competitive examination;

- (iii) 20 percent of the posts of Headmaster shall be filled in by promotion of the eligible incumbents of the feeder posts for Headmasters in existing Government High/Middle School, as the case may be, in accordance with the recruitment rules in force and also by promotion of the eligible Teachers of the existing Government High/Middle Schools as the case may be, who are in senior grade;

**Recruitment (3)
for Assistant
Headmasters
in the provin-
cialised schools**

The following method of selection shall be adopted for recruitment of Assistant Headmasters in the provincialised schools namely :-

- (i) 50 percent of the posts of Assistant Headmaster shall be filled in by appointment of existing incumbents of the posts of Headmaster and Assistant Headmaster of the provincialised schools concerned, provided that they possess the prescribed minimum qualification in accordance with the recruitment rules for Assistant.

Headmaster in force and are found suitable by the Selection Board/Departmental Promotion Committee for appointment into Government service. Provided further that an incumbent to be so appointed must have put in a minimum period of 8 (eight) years as Teacher in a recognised High/Middle School, as the case may be.

- (ii) 50 percent of the posts of Assistant Headmaster shall be filled in by promotion of the eligible incumbents of the feeder posts for Assistant Headmaster in the existing Government High/Middle Schools, as the case may be, in accordance with the recruitment rules in force.

**Recruitment
of teachers
in the provin-
cialised
schools**

- (4) All existing eligible Headmasters and Assistant Headmasters, not already appointed as Headmaster/Assistant Headmaster under sub-rules (2) and (3) above shall be appointed 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 schools provided that they have put in at least two year's 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.

**Absorption
of other tea-
chers of pre-**

- (5) 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

provincialised
Schools.

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.

Absorption of
Non-teaching
staff in the pro-
vincialised
schools.

- (6) Subject to availability of sanctioned posts in the provincialised school, all members 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.

Service con- 7. (a) The teaching and non-teaching staff of the provincialised
ditions for
Headmasters
Teachers and
other employees
of the provincia-
lised High/Middle
Schools.

(a) The teaching and non-teaching staff of the provincialised Schools so appointed in 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 the immediately before the date of provincialisation of the school.

(b) 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.

(c) For pensionary benefits and advances, 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.

(d) The past service of Headmasters/Assistant Headmasters/Teachers of deficit/aided High/Middle School shall not be given weightage in case of determination of the inter-se-seniority.

(e) The inter-se-seniority of the teachers and other employees of the provincialised schools vis-a-vis other teachers and employees of existing Government School shall be determined by the Director on the basis of such evidence as may be necessary, in accordance with existing rules and Government's instructions issued in this regard from time to time.

(f) Unless otherwise directed by the Government, the cadre of a teacher of a provincialised school shall be the cadre to which he be entitled to be admitted on the date of provincialisation of the schools in which he was serving.

- (g) 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.

Suits and proceedings. 8. Except with the previous sanction of the Government no suit or other legal proceeding shall lie for anything done in good faith under these rules.

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

Power to relax the rules, etc. 10. 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.

Repeal and Saving. 11. (a) The Mizoram Middle Schools and High Schools (Provincialisation) Rules, 1991 notified under even number dated 23.1.1991 shall stand dissolved from the date of these new rules come into force.

(b) Notwithstanding such repeal, any action done or taken under the rules so repealed shall be construed as validly done or taken under the corresponding provisions of these rules.

Dengchhuana,
Secretary to the Government of Mizoram,
Education & Human Resources Department.