



The Mizoram Gazette

EXTRA ORDINARY

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NOTIFICATION

No. B. 13016/9/94-EDS, the 10th October, 1994. Whereas it is considered desirable to place the Middle/High Schools on sound financial basis to effect better administrative control;

Now, therefore, in exercise of the powers conferred under proviso to Article 35 of the Constitution of India, the Governor of Mizoram is pleased to make the following rules, namely :-

- Short title,
extent and
commence-
ment
1. (a) These rules may be called the Mizoram Middle Schools and High Schools (Provincialisation) Rules, 1994.
(b) They shall extend to the whole of the State of Mizoram.
(c) They shall be deemed to have come into force with effect from 8.10.1991.
- Definitions
2. In these rules unless the context otherwise requires,-
(a) "effective date" means the date on which the order for provincialisation of a school comes into force;
(b) "Government" means the Government of Mizoram;
(c) "Managing Committee" means a Managing Committee constituted under the Education Department's Grants-in-aid Rules and duly approved by the competent authority.
- Powers of
Government
3. The Government may, by notification to be published in the Mizoram Gazette, provincialise any Middle School or High School in Mizoram subject to the conditions laid down in these Rules hereinafter.

- Pre-requisite 4. (1) No High School shall be considered for provincialisation, unless as on the effective date,-
for provinciali-
sation for
High School
- (a) such school possesses at least three bighas of land in case of rural areas and one bigha of land in case of urban areas,
(b) the minimum enrolment of such school is equal to 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 School meant exclusively for female students.
- Pre-requisite (2) No Middle School shall be considered for provincialisation unless as on the effective date,-
for provinciali-
sation for
Middle Schools
- (a) such school possesses at least two bighas of land in case of rural areas and one bigha of land in case of urban areas;
(b) the minimum enrolment of such school is equal to the product of 25 students multiplied by the number of classes catered in the school.
- Effect of 5. (a) All assets and liabilities of the provincialised schools as on the date of provincialisation shall devolve onto the Government with effect from the date of such provincialisation.
provinciali-
sation of
High School
and Middle
School
- (b) With effect from the date of provincialisation of the school the Managing Committee of the School shall stand dissolved.
- Absorption 6. All existing incumbents of the provincialised school in which they were serving on the effective date, shall be absorbed in the Government service in suitable ranks or grades with effect from the said date, subject to their suitability for appointment in government service in consonance with the corresponding and relevant Recruitment Rules framed by the Department concerned and in force on the effective date, as may be determined by the competent Departmental Promotion Committees constituted for various categories of Government employees by the Government of Mizoram, and subject to the availability of sanctioned posts for such provincialised schools:
of teaching
and non-
teaching
staff of pro-
vincialised
Schools
- Provided that 50 percent of the posts of Headmaster shall be filled in by absorption of existing incumbents of the post of Headmaster of the provincialised schools, and remaining 50 percent of the posts of headmaster shall be filled in by promotion of the eligible teachers of the Govt. High/Middle Schools as the case may be in accordance with the Recruitment Rules in force on the effective date.

Provided further that the existing headmasters of the provincialised Schools shall not be eligible to be so absorbed unless they have already put in at least 5(five) years' teaching experience in any recognised school or schools.

Provided also that the teaching and the non-teaching staff of the provincialised Schools so absorbed shall not be subjected to the upper age limit prescribed in the relevant recruitment rules.

Service conditions for Headmasters, Assistant Headmasters, Teachers and other employees of provincialised High Schools and Middle Schools

- 7. (a) The teaching and the non-teaching staff of the provincialised schools so absorbed 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 them immediately before the date of provincialisation of the School.
- (b) The inter-se-seniority of the teaching and non-teaching staff of the provincialised schools shall be such as may be determined by the Government from time to time.
- (c) The teaching and the non-teaching staff of the provincialised schools shall be entitled to have their continuous past services in the respective deficit/adboc Grant-in-aid schools, if any, counted for the purposes of their pensionary benefits, leave and advances.
 Provided that the above benefits shall also be applicable to the teaching and non-teaching staff of all schools provincialised by Government in the past.
- (d) Immediately from the date of provincialisation of the schools, all matters relating to appointment, confirmation, promotion, retirement, superannuation pension, gratuity etc. in respect of the provincialised schools 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 as to the interpretation of any of these rules, the interpretation of the Government shall be final.

Power to relax rules, etc.

10. If any difficulty arises in giving effect to these rules, the Government may 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 11. (a) The Mizoram Middle Schools and High Schools (Provincia-
saving lisation) Rules, 1991 together with its subsequent amend-
ment or amendments, if any, shall stand repealed from the
date of commencement of these rules.
- (b) Notwithstanding such repeal, any action taken or done in
good faith under the rules so repealed shall be construed as
validly taken or done under the corresponding provisions of
these rules.

Lallunghnema,
Commissioner & Secretary to the Govt. of Mizoram,
Education & Human Resources Department.

No. MAL. 1/94/
of Mizoram date

In exercise of
the powers conferred on me by
Section 1, P.R.K.
Legislative Assesment
Monday, the 7th
Mc Donald Hill