

Bhopal, the 30th May 1995

No. 12-2-92-A-1-XXXVIII.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh hereby makes the following rules relating to the Recruitment to the Madhya Pradesh Higher Education Department Non-teaching (Gazetted) Service Rules, namely :—

RULES

1. Short title.—These rules may be called the Madhya Pradesh Higher Education Department, Non-teaching (Gazetted) Recruitment Rules, 1991.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Appointing Authority" in respect of the Service means the Government;
- (b) "Commission" means the Madhya Pradesh Public Service Commission;
- (c) "Schedule" means a Schedule appended to these Rules;
- (d) "Scheduled Castes" means, any caste, race or tribe or part of or group within a caste, race or tribe specified as Scheduled Castes with respect to the State Madhya Pradesh under Articles 341 of the Constitution of India;
- (e) "Scheduled Tribes" means, any tribe or tribal community or part of or group within a tribe or tribal community specified as such with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India;
- (f) "Service" means the Madhya Pradesh Higher Education, Non-teaching (Gazetted) Service.

3. Scope and Application.—Without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961, these rules shall apply to every member of the service.

4. Constitution of the Service.—The service shall consist of the following persons, namely—

- (1) Persons, who at the commencement of these rules are holding substantively or in an officiating capacity the posts specified in the Schedule I;
- (2) Persons recruited to the service before the commencement of these rules; and
- (3) Persons recruited to the service in accordance with the provisions of these rules.

5. Classifications, scale of pay, etc.—The classification of service, the number of posts included in the service and shall be in accordance with the provisions contained in the Schedule-I :

Provided that the Government may, from time to time, add to or reduce the number of posts included in the service, either in a permanent or temporary basis.

6. Method of recruitment.—(1) Recruitment to the service, after the commencement of these rules, shall be made by the following methods, namely :—

- (a) By direct recruitment by selection ;
- (b) By promotion of members of the service ;
- (c) By transfer of persons who hold in a substantive capacity, such posts, in such service as may be specified, in this behalf.

The number of persons recruited under clause (b) or clause (c) of sub-rule (1) shall not, at any time the percentage shown in Schedule II of the number of duty posts as specified in Schedule I.

Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the of filling any particular vacancy or vacancies in the service as may be required to be filled during any ar period of recruitment, and the member of person to be recruited by each method, shall be determined a occasion by the Government in consultation with the Commission.

Notwithstanding anything contained in sub-rule (1), if in the opinion of the Government the exigencies Service so require, the Government may, with prior concurrence of General Administration Department, uch methods of recruitment to the service other than those specified in the said sub-rule, as it may, by ssued in this behalf, prescribe.

Appointment to the service.—All appointments to the service after the commencement of these rules e made by the Government and no such appointment shall be made except after selection by one of the s of recruitment specified in rule 6.

Conditions of eligibility of direct recruits.—In order to be eligible to be selected a candidate must the following conditions, namely :—

(A) **Age (a)**—He must have attained the age specified in column (4) of Schedule III, and not attained the age specified in column (5) of the said Schedule, on the first day of January next following the date of commencement of the selection;

(b) The upper age limit shall be relaxable up to a maximum of 5 years, if a candidate belongs to a Scheduled Castes or a Scheduled Tribe.

(c) The upper age limit shall also be relaxable in respect of candidates who or have been employees of the Madhya Pradesh Government to the extent and subject to the conditions specified below :—

(i) A candidate who is a permanent Government servant should not be more than 38 years of age.

(ii) A candidate holding a temporarily post and applying for another post should not be more than 38 years of age. This concession shall also admissible to contingency paid employees, work charged employees and employees working in the project implementing committee.

(iii) A candidate who is retrenched Government servant will be allowed to deduct from his age the period of all temporary service previously rendered by him up to a maximum limit of 7 years even if it represents more than one spell provided that the resultant age does not exceed the upper age limit by more than three years.

Explanation.—The term “retrenched Government Servant” denotes a person, who was in temporary Government service of this State or of any of the constituent units for a continuous period of not less than six months and who was discharged because of reduction in establishment not more than three years prior to the date of his registration at the employment exchange or of application made otherwise for employment in Government Service.

(iv) A candidate who is an ex-serviceman will be allowed to deduct from his age the period of all defence service previously rendered by him provided that the resultant age does not exceed the upper age limit, by more than three years.

Explanation.—The term “ex-serviceman” denotes a person who belonged to any of the following categories and who was employed under the Government of India for a continuous period of not less than six months and who was retrenched or declared surplus as a result of the recommendation of the Economy Unit or due to normal reduction in establishment not more than three years

before the date of his registration at any employment exchange or of application made otherwise for employment in Government Service :—

- (1) Ex-serviceman released under mustering out concessions,;
- (2) Ex-serviceman enrolled for the second time and discharged on;
 - (a) Completion of short term engagement;
 - (b) Fulfilling the conditions of enrolment;
- (3) Ex-personal of Madras Civil Unit;
- (4) Officers (Military and Civil) discharged on completion of their contract (including short service Regular Commissioned Officers);
- (5) Officers discharged after working for more than six months continuously against leave vacancies,
- (6) Ex-serviceman invalided out of service;
- (7) Ex-serviceman discharged on the ground that they are unlikely to become efficient soldiers,
- (8) Ex-serviceman who are medically boarded out on gun shot, wounds etc;
- (d) The upper age limit in respect of employees of a Madhya Pradesh State Corporation/Board shall be 38 years.
- (e) The upper age limit shall be 35 years in respect of the widow, destitute and divorced women candidates.
- (f) The upper limit shall be relaxable upto 2 years in respect of the green card holders candidates under family planning programme.
- (g) The general upper age limit shall be relaxable upto 5 years in respect of the Sawarna partner of awarded coupal of the intercaste-marriage incentive programme under Tribal, Harijan and Backward classes Welfare Department.
- (h) The general upper age limit shall also be relaxable upto 5 years in respect of Vikram Award holder candidate.
- (i) A candidate who rendered his service in Home-guards and was declared as unfit officer shall be allowed to deduct from his age the period of all such Home guard service previously rendered by him provided that the resultant age does not exceed the upper age limit of 38 years subject to a maximum relaxation of 8 years relating to his Home guard service.

Note:—Candidates who are admitted to the selection under the age concessions mentioned in rule 8(c) (i) and (ii) above will not be eligible for appointment if after submitting the application, they resign from service either before or after taking the interview. They will however, continue to be eligible if they are retrenched from the service or post after submitting the applications.

Previous permission of the appointing authority to appear for the interview.

(II) Educational Qualifications.—He must possess the educational qualifications prescribed for the service as shown in Schedule-III.

Provided that—

- (a) in exceptional cases the Commission may, on the recommendation of the Government, treat as qualified

a candidate, who though not possessing any of the qualifications prescribed in this clause, has passed examinations conducted by other institutions by a standard which, in the opinion of the Commission, justifies the consideration of the candidate for selection; and

(b) candidates who are otherwise qualified but have taken degrees from foreign Universities, being Universities not specifically recognised by Government may also be considered for selection at the discretion of the Commission.

(III) Fees:—He must pay the fees prescribed by the Commission.

9. **Disqualification**—Any attempt on the part of a candidate to obtain support for his candidature by any means may be held by the Commission to disqualify him for selection.

10. **Commission's decision about the eligibility of candidates final.**—The decision of the Commission as to the eligibility or otherwise of a candidate for selection shall be final and no candidate to whom an interview call has not been issued shall be interviewed by the Commission.

11. **Direct recruitment by selection.**—(1) The selection for recruitment to the service shall be held at such intervals as the Government may, in consultation with the Commission, from time to time, determine.

(2) The selection of candidates for the service shall be made by the Commission after interviewing them.

(3) 15 per cent. and 18 per cent. of the available vacancies for direct recruitment shall be reserved for candidates who are members of the Scheduled Castes and Scheduled Tribes respectively.

(4) In filling the vacancies so reserved candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list referred in rule 12 irrespective of their relative rank as compared with other candidates.

(5) Candidates belonging to the Scheduled Castes or the Scheduled Tribes, declared by the Commission to be suitable for appointment to the service with due regard to the maintenance of efficiency of administration, may be appointed to the vacancies reserved for the candidates of the Scheduled Castes or the Scheduled Tribes, as the case may be, under sub-rule (3).

(6) If a sufficient number of candidates belonging to the Scheduled Castes and the Scheduled Tribes are not available for filling all the vacancies reserved for them, the remaining vacancies shall be readvertised twice exclusively for these candidates. If even after readvertisement, any vacancies remain unfilled, they shall be filled among the general candidates and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, during the subsequent selection.

Provided that the total number of vacancies, reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes (including the vacancies carried forwarded) shall not at any time exceed forty five per cent. of the total vacancies advertised.

(7) Where certain period of experience has been prescribed as an essential condition for filling the posts by direct recruitment and in the opinion of public service commission or any other competent authority it is found that the sufficient number of Scheduled Castes and Scheduled Tribes candidates having requisite experience is not likely to be available for recruitment on the reserved posts then the public service commission or the competent authority may relax the condition of experience in respect of Scheduled Castes and Scheduled Tribes candidates.

12. List of candidates recommended by the Commission.—(1) The Commission shall forward to the Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine and of the candidates belonging to the Scheduled Castes and the Scheduled Tribes who, though not qualified by the standard, are declared by the Commission to be suitable for appointment to the service with due regard to the maintenance of efficiency of administration. The list shall also be published for general information.

(2) Subject to the provisions of these rules and of the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961, candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list.

(3) The inclusion of a candidate's name in the list confers no right to appointment unless the Government is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

(4) The select list shall be valid for a period of one year from the date of its issue by the commission.

13. Appointment by promotion.—(1) There shall be constituted a committee consisting of the members mentioned in Schedule IV for making a selection for promotion of eligible candidates.

(2) The committee shall meet at intervals ordinarily not exceeding one year.

(3) 15% and 18% of the available vacancies for promotion in such posts in which the percentage of promotion is 33 1/3 per cent. or more, as specified in Schedule-II, shall be reserved for officers belonging to the Scheduled Castes and Scheduled Tribes who are eligible for promotion in accordance with the provisions or rule 14.

(4) The procedure for making promotions in the reserved vacancies shall be in accordance with the institutions issued by the Government in the General Administration Department, from time to time.

14. Conditions of eligibility for promotion.—(1) Subject to the provisions of sub-rule (2) the Committee shall consider the cases of all persons who, on the 1st day of January of the year had completed such number of year of service (whether officiating or substantive) in the posts from which promotion is to be made as specified in column (3) of Schedule IV and are within the zone of consideration in accordance with the provisions of sub-rule (2). Provided that the service of the Emergency Commission and Short Service Commission after appointed in the service shall be counted from the date from which they have been appointed in the service in accordance with the memo No. 2266/1987/1(3)/67, dated the 21st October 1967.

Provided further that any junior person shall not be considered for selection grade promotion in preference to the person senior to him only on the basis of his completing the prescribed year of service.

(2) The field of selection shall ordinarily be limited to seven times the number of officers to be included in the select list, in respect of posts filled on the basis of merit-cum-seniority and five times the number of officers to be included in the select list in respect of posts filled on the basis of seniority-cum-merit :

Provided that if the required number of suitable officers are not available in the field, so determined, the field may be enlarged to the extent considered necessary by the committee by mentioning the reasons in writing.

15. Preparation of list of suitable officers.—(1) The committee shall prepare a list of such person as satisfy the condition prescribed in rule 14 above and as are held by the committee to be suitable for promotion/transfer to the service. The list shall be sufficient to cover the anticipated vacancies on account of retirement and promotion

during the course of one year from the date of preparation of the select list. A reserve list consisting of twenty five per cent. of the number of persons included in the said list shall also be prepared to meet the unforeseen vacancies occurring during the course of the aforesaid period.

(2) The selection for inclusion in such list shall be based on merit and suitability in all respects, with due regard to seniority.

(3) The name of the officers included in the list shall arranged in order of seniority in the service or posts, as specified in column (4) of Schedule IV, at the time of preparation of each select list :

Provided that any junior officer, who in the opinion of the committee, is of exceptional merit and suitability, may be assigned in the list higher place than that of officers senior to him.

Explanation.—A person whose name is included in a select list but who is not promoted during the validity of the list, shall have no claim to seniority over those considered in a subsequent selection merely by the fact of his earlier selection.

(4) The list so prepared shall be reviewed and revised every year.

(5) If in the process of selection, review or revision it is proposed to supersede any member of the State Subordinate Civil Service, the Committee shall record its reasons for the proposed supersession.

16. Consultation with the Commission.—The recommendation of the Departmental Promotion Committee presided over by the Chairman or a member of the Commission shall be deemed to be compliance of the requirement of consultation with Commission under sub-clause (b) of clause (3) of Article 320 of the Constitution.

17. Select list.—(1) The list as finally approved by the Government shall form the list for promotion of the members of the service from the posts shown in column (2) of the Schedule IV.

(2) the select list shall ordinarily be in force until it is reviewed or revised in accordance with sub-rule (4) of rule 15, but its validity shall not be extended beyond a total period of 18 months from the date of its preparation :

Provided that, in the event of a grave lapse in the conduct of performance of duties on the part of any persons included in the select list, a special review of the select list may be made at the instance of the Government and the Commission, may if it thinks fit, remove the name of such person from the Select list.

18. Appointment to the Service from the Select list.—(1) Appointment of the officers included in the Select list to posts borne on the cadre of the Service shall follow the order in which names of such officers appear in the Select list :

Provided that, where administrative exigancies so require, a person whose name is not included in the Select list or who is not next in order in the Select list, may be appointed to the Service if the Government is satisfied that the vacancy is not likely to last for more than three months.

(2) It shall not ordinarily be necessary to consult the Commission before appointment of a person whose name is included in the Select list to the Service unless during the period intervening between the inclusion of his name in the Select list and the date of his appointment to the Service there is a vacancy in the Service which, in the opinion of the Government is such as to render him ineligible for appointment to the Service.

19. Duration. Every person included in the select list shall be eligible for appointment to the Service for a period of two years.

20. **Interpretation.**—If any question arises relating to the interpretation of these rules it shall be referred to Government whose decision thereon shall be final.

21. **Relaxation.**—Nothing in these rules shall be construed to limit or abridge power of the Governor to deal with the case of any person to whom these rules apply in such manner as may appear to it to be just and equitable :

Provided that the case shall not be dealt with in any manner less favourable to him than that provided in these rules.

22. **Saving.**—Nothing in these rules shall effect reservation and other conditions required to be provided for the Scheduled Casts and Scheduled Tribes in accordance with the orders issued by the Government from time to time in this regard.

23. **Repeal and Saving.**—All rules corresponding to these rules and in force immediately before their commencement are hereby repealed in respect of matters covered by these rules :

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order and in the name of the Governor of Madhya Pradesh,
S. K. CHATURVEDI, Secy.

SCHEDULE—I

(See Rule-5)

| Sr. No. | Name of the posts included in Service | Number of post | Classification | Scale of pay |
|---------|---------------------------------------|----------------|----------------|-------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Joint Director (Accounts) | 01 | Class-I | 3700—125—4700—150—5000. |
| 2 | Deputy Director | 01 | Class-I | 3000—100—3500—125—4500. |
| 3 | Assistant Director | 12 | Class-II | 2200—75—2800—100—4000. |
| 4 | Registrar | 60 | Class-II | 2200—75—2800—100—4000. |

SCHEDULE—II

(See Rule-6)

| Name of Department | Name of post included in the service | Total number of duty post | Per-centage of the number of duty post to be filled in | | By transfer of persons from other Services. |
|---|--------------------------------------|---------------------------|--|--|--|
| | | | By direct Recruitment | By promotion of substantive members of service | |
| (1) | (2) | (3) | (4) | (5) | (6) |
| Madhya Pradesh Higher Education non-teaching (Gazetted) service | Joint Director (accounts) | 01 | x | — | By transferring an officer of Equal cadre from Madhya Pradesh accounts Services. |
| | Deputy Director | 01 | x | — | |
| | Assistant Director | 12 | 25% | 75% | |
| | Registrar | 60 | 25% | 75% | |

SCHEDULE—III

(See Rule-8)

| Name of Department | Name of Service | Name of the post in the service | Minimum Age limit | Maximum Age limit | Education Qualification Prescribed | Remarks |
|--------------------------------|---|---------------------------------|-------------------|-------------------|--|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| Department of Higher Education | Madhya Pradesh Higher Education Non-Teaching (Gazetted) Service | Assistant Director | 21 Years | 45 Years | 1. A graduate degree from a recognised university or equivalent. | |
| | | Registrar | 21 Years | 45 Years | 2. Accounts Training Examination, conducted by Directorate Treasuries and Accounts, passed. OR SAS (Part First) Examination passed. 3. Having certificate from Head of Department (or from an officer of an equal cadre) regarding five years working experience of Accounts and Audit. | |

SCHEDULE—IV

(See Rule-13)

| Name of Department | Name of the post from which promotion is to be made | Name of the post to which promotion is to be made | Experience required for promotion on the post shown in col (2) | Required Qualification for promotion | Name of member of the departmental promotion Committee | Remarks |
|--------------------------------|---|---|--|---------------------------------------|--|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| Department of Higher Education | 1. Assistant Director & Registrar | Deputy Director | Five years | — | 1. Chairman, Public Service Commission or any other member nominated by him | |
| | 2. (A) Superintendent & Stenographer Grade-I | Assistant Director | (A) Three years | Accounts training Examination passed. | Chairman. 2. Principal Secretary/ Secretary Higher Education member. | |

| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
|-----|--|--------------------|--|---------------------------------------|---|-----|
| | (B)Senior Auditor/ Recovery Inspector | Assistant Director | (B) Eight years | Accounts training Examination passed. | 3. Commissioner, Higher Education member. | |
| | 3. Hostel Manager/ Head Clerk working in the colleges. | Registrar | Eight years Experience on the post of Hostel Manager, Plus Head Clerk. OR Eight years Experience on the post of Head Clerk. OR Eighteen years services in class-III. | —do— | | |

Notes.—(1) Senior Auditor/Recovery Inspector shall be promoted on the post of Assistant Director, only when the qualified persons working on the post of Superintendent/Stenographer Grade-I are not available for promotion.

(2) Head Clerks working in the colleges shall be promoted on the post of Registrar only when the qualified persons working on the post of Hostel Manager are not available for promotion.