

## **Pondicherry School Education Act, 1987**

**9 of 1987**

**[20 October 1987]**

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## **Pondicherry School Education Act, 1987**

**9 of 1987**

**[20 October 1987]**

AN ACT to provide for better organization and development of school education in the Union territory of Pondicherry and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Pondicherry in the Thirtyeighth Year of the Republic of India as follows:

### **CHAPTER 1 PRELIMINARY**

#### **1. Short Title, Extent And Commencement :-**

1. This Act may be called the Pondicherry School Education Act, 1987
2. It extends to the whole of the Union Territory of Pondicherry.
3. It shall come into force on such date as the Administrator may, by notification, appoint and different dates may be appointed for different provisions of this Act and reference to the commencement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires,

1. "academic year" means the year commencing on the first day of January or June;
2. "aid" means any aid granted to a recognized school by the Central Government, the government, a local authority or any other authority designated by the Central Government, the Government or a local authority;
3. "aided school" means a recognized school which is receiving aid in the form of maintenance grant from the Central Government, the Government, or a local authority or any other authority designated by the Central Government, the Government, or a local authority;
4. "appropriate authority" means any authority, officer or person authorized by the Government, by notification, to perform the functions of the appropriate authority or any other authority under

this Act for such area or in relation to such class of private schools, as may be specified in the notification;

5. "Director" means the Director of Education, Pondicherry, and includes any other officer authorized by him to perform all or any of the functions of the Director under this Act;

6. "educational agency" in relation to,

a. any minority school, means any person who, or body of persons which has established and is administering or proposes to establish and administer such minority school; and

b. any other private school,

7. "employee" means a teacher and includes every other employee working in a recognized school;

8. "existing employee" means an employee of existing school who is employed in such school immediately before the commencement of this Act, and includes an employee who was employed in such school for a period of not less than twelve months immediately preceding the commencement of this Act;

9. "existing school" means a recognized private school which is in existence at the commencement of this Act;

10. "Government" means the Administrator of the Union territory of Pondicherry appointed by the President under article 239 of the Constitution;

11. "Head of School" means the principal academic officer, by whatever name called, of a recognized school;

12. "manager", in relation to a school, means the person, by whatever name called, who is entrusted, either on the date on which this Act comes into force or, as the case may be under a scheme of management made under section 11, with the management of the affairs of that school;

13. "minority school" means a private school of its choice established and administered, by any such minority whether based on religion or language as has the right to do so under clause (1) of article 30 of the Constitution;

14. "notification" means a notification published in the Official Gazette;

15. "prescribed" means prescribed by rules made under this Act;

16. "private school" means a preprimary, primary, middle or high school or higher secondary school or any other institution imparting education or training, established and administered or maintained by any person or body of persons, but does not include a school or an institution

a. imparting technical or professional education;

- b. established and administered or maintained by the central Government or the Government or any other authority designated or sponsored by the Central Government or the Government;
  - c. maintained or approved by, or affiliated to, any University established by law; or
  - d. giving, providing or imparting religious instruction alone, but not any other instruction;
17. "public examination" means an examination conducted by the Boards of Secondary Education in the States of Tamil Nadu, Kerala and Andhra Pradesh or any other Board or authority which may hereafter be established for the purpose, and recognized by the Government or any other officer authorized by him in this behalf;
18. "recognized school" means a private school recognized by the appropriate authority;
19. "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, playgrounds, hostels, furniture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investments and bank balances;
20. "teacher" includes the Head of a School;
21. "Tribunal" means a Tribunal constituted under section 37; and
22. "unaided minority school" means a minority school which does not receive any aid.

## **CHAPTER 2** ESTABLISHMENT, PERMISSION FOR ESTABLISHMENT AND MANAGEMENT OF PRIVATE SCHOOLS

### **3. Power Of Government To Regulate School Education :-**

The Government may regulate the different stages of education and courses of instruction in private schools.

### **4. New Private School To Obtain Permission :-**

Save as otherwise expressly provided in this Act, no person shall, without the permission of the appropriate authority and except in accordance with the terms and conditions specified in such permission, establish any private school on or after the date of the commencement of this Act.

### **5. Application For Permission And Sending Of Statement :-**

1. The educational agency of every private school proposed to be

established on or after the date of the commencement of this Act shall make an application to the appropriate authority for permission to establish such school.

2. Every such application shall -

a. be in the prescribed form;

b. be accompanied by such fee not exceeding one hundred rupees as may be prescribed; and

c. contain the following particulars, namely:

i. the name of the private school and the name and the name and address of the educational agency;

ii. the need for the private school in the locality;

iii. the course for which such private school proposes to prepare, train or guide its pupils for appearing at any examination conducted by, or under the authority of, the Government;

iv. the amenities available to pupils and teachers;

v. the equipment, laboratory, library and other facilities for instruction;

vi. the sources of income to ensure the financial stability of the private school;

vii. the situation and the description of the buildings in which such private school is proposed to be established; and

viii. such other particulars as may be prescribed.

3. The educational agency of every private school in existence on the date of the commencement of this Act shall, before the expiry of six months from that date, send to the appropriate authority a statement in the prescribed form containing

a. the particulars specified in clause (c) [excluding subclause (ii) thereof] of subsection (2)

b. the names of the members of the teaching and nonteaching staff and the educational qualifications of each such member; and

c. the number of pupils and classes in the private school.

## **6. Grant Of Permission :-**

On receipt of an application under subsection (1) of section 5, the appropriate authority -

1 . may, after considering the particulars contained in such application, grant or refuse to grant the permission; and

2. shall communicate its decision to the applicant within a period of four months from the date of such receipt:

Provided that the permission shall not be refused under that section unless the applicant has been given an opportunity of making his

representations:

Provided further that in case of refusal of the permission the applicant shall be entitled to refund of onehalf of the amount of the fee accompanying the application.

## **7. Permission Deemed To Be Granted In Certain Cases :-**

On receipt of a statement under subsection (3) of section 5 from any private school in existence immediately before the date of the commencement of this Act, permission under section 6 shall be deemed to have been granted to such private school but no fee shall be payable for any such permission.

## **8. Approval Of Transfer Of Permission :-**

1. Whenever there is any change in the constitution of the educational agency, that agency shall apply to the appropriate authority for approval of such change.

2. Whenever the management of any private school is proposed to be transferred, the educational agency and the person to whom the management is proposed to be transferred may before such transfer, apply jointly to the appropriate authority for approval of the transfer.

3. On any transfer of the management of a private school, without approval having been obtained for such transfer under subsection (2), the transferee shall, if desires to run it as such, apply to the appropriate authority within three months of the date of the transfer for approval of the transfer.

4. An application under subsection (1), subsection (2) or subsection (3), shall be in such form and contain such particulars as may be prescribed.

5. On receipt of an application under this section for approval, the appropriate authority shall

a. if it is satisfied, after making such inquiry as it deems fit, that the educational agency will continue to maintain and manage or, as the case may be, that the transferee will maintain and manage, the private school, in accordance with the provisions of this Act and the rules made thereunder, approve the change or, as the case may be, the transfer, subject to such conditions as it may impose; and

b. communicate its decision to the applicant within a period of three months from the date of such receipt.

## **9. Minority School To Be Established Without Permission :-**

Any minority whether based on religion or language may establish and administer any private school without permission under section 6.

#### **10. Minority Schools To Send Statements :-**

1. Every minority school in existence immediately before the date of the commencement of this Act shall send to the appropriate authority a statement containing the particulars specified in clause (c) excluding subclause (ii) thereof of subsection (2) of section 5 within such time as may be prescribed.

2. Every minority school established and administered after the date of the commencement of this Act shall send to the appropriate authority a statement containing particulars specified in clause (c) of subsection (2) of section 5 within such time as may be prescribed.

#### **11. Schemes Of Management :-**

(1) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the educational agency of every private school shall make in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school:

Provided that in the case of a private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed: Provided further that so much of this subsection as relates to the previous approval of the appropriate authority, shall not apply to a scheme of management for an unaided minority school.

(2) A scheme may be made, in like manner, to add to, vary or modify any scheme made under subsection (1).

### **CHAPTER 3 RECOGNITION OF PRIVATE SCHOOL**

#### **12. Recognition Of Private School :-**

1. On receipt of an application by -

a. any private school in respect of which permission has been or is deemed to have been granted under section 6; or

b. any minority school;

The appropriate authority may, after satisfying itself, that proper



arrangements have been made for the maintenance of academic standard in the school, that the provisions of this Act are complied with and that the prescribed conditions have been satisfied grant of certificate recognizing the private school for the purposes of this Act.

2. The certificate under subsection (1) shall be granted within such period as may be prescribed.

### **13. Withdrawal Of Recognition By Appropriate Authority :-**

1. The appropriate authority may withdraw permanently or for any specified period the recognition of any private school -

a. which does not comply with any of the provisions of the Act or any rules made or directions issued thereunder in so far as such provisions, rules or directions are applicable to such private school or

b. in respect of which the pay and allowances payable to any teacher or other person employed in such private school are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made thereunder, or

c. which contravenes or fails to comply with any such conditions as may be prescribed.

2. Before withdrawing the recognition under subsection (1), the appropriate authority shall give the educational agency an opportunity of making its representation.

### **14. Effect Of Withdrawal Of Recognition :-**

Any private school which is unrecognized or the recognition of which has been withdrawn shall not be entitled to -

1. receive any grant or other financial assistance from the Government; or

2. prepare, train or guide pupils for appearing at any public examination.

### **15. Payment Of Grant :-**

1. The Government may grant aid to recognized schools such sums of money and for such purposes as may be prescribed.

2. The Government may withhold permanently or for any specified period the whole or part of any aid referred to in subsection (1) in respect of any private school,

a. which does not comply with any of the provisions of this Act or

any rules made or directions issued thereunder in so far as such provisions, rules or directions are applicable to such private school, or

b. in respect of which the pay and allowances payable to any teacher or other person employed in such private school are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made thereunder, or

c. which contravenes or fails to comply with any such conditions as may be prescribed.

3 . Before withholding the grant under subsection (2) the Government shall give the educational agency an opportunity of making its representation.

#### **CHAPTER 4 SCHOOL PROPERTY**

##### **16. School property :-**

1. The management of every aided school shall furnish to the appropriate authority, initially, at the time of grant of aid and thereafter annually, a statement containing a list of school property together with such particulars as may be prescribed.

2. Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority: Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

3. Any person aggrieved by the grant or refusal of permission under subsection (2) may prefer, in such form and within such time as may be prescribed, appeal to the Government against such grant or refusal of permission and the decision of the Government thereto shall be final.

4. Any transaction made in contravention of the provisions of subsection (2), or, as the case may be decision of the Government, shall be void.

#### **CHAPTER5 TERMS AND CONDITIONS OSERVICE OF TEACHERS AND OTHER PERSONS EMPLOYED IN PRIVATE SCHOOLS**

##### **17. Qualifications, Conditions Of Service, Etc., Of Teachers And Other Persons Employed In Recognized Schools :-**

The Government may rules regulating the number, qualifications and conditions of service (including promotion, pay, allowances, leave, pension, provident fund, insurance and age of retirement and rights (as respect disciplinary matters) of the teachers and other persons employed in any recognized school.

**18. Appointment Of Teachers And Other Employees In Recognized Schools :-**

1. No person who does not possess the qualifications prescribed under section 17 shall on or after the date of the commencement of this Act be appointed as teacher or other employee in any recognized school.
2. Nothing contained in this section or any rule made thereunder shall apply to any person who, on or before the date of the commencement of this Act, is employed as teacher or other employee in any recognized school.

**19. Teachers And Other Persons Employed In Recognized Schools To Be Governed By Code Of Conduct :-**

1. Every teacher and every other person employed in any recognized school shall be governed by such Code of Conduct as may be prescribed and if any teacher or other person so employed violates any provision of such Code of Conduct, he shall be liable to such disciplinary action as may be prescribed.
2. The manager may define the standards of conduct to be observed by teachers and other persons employed in the recognized school, such standards not being inconsistent with the provisions of this Act and the rules made thereunder.

**20. Suspension Of Teachers Or Other Persons Of Recognized Schools :-**

1. No teacher or other person employed in any recognized school shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under subsection (1) of section 19, of such teacher or other person is contemplated.
2. No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person

shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee: Provided that the appropriate authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if, in the opinion of such appropriate authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person.

**21. Appeal Against Orders Of Punishment Imposed On Teachers And Other Persons Employed In Recognized Schools :-**

1. Any teacher or other person employed in any recognized school,
  - a. who is dismissed, removed or reduced in rank or whose appointment is otherwise terminated; or
  - b. whose pay or allowances or any of whose conditions of service are altered or interpreted to his disadvantage, by an order, may prefer an appeal against such order to such authority or officer not below the rank of the Director of Education, Pondicherry, as may be prescribed; and different such authorities or officers may be prescribed for different classes of private schools.

Explanation: In this section, the expression "order" includes any order made on or after the date of the commencement of this Act in any proceedings which were pending on that date.

The appellate authority may, after giving the parties an opportunity of making their representations, pass such order on the appeal as it may deem fit:

Provided that in disposing of an appeal under this section in relation to a minority institution, the appellate authority shall consider and shall only consider whether the procedure for taking disciplinary action prescribed under this Act has been complied with and if not, whether such noncompliance has resulted in the failure of justice, and pass orders -

1. confirming or setting aside the said order or
2. remitting the case to such authority with such directions as it may deem fit in the circumstances of the case.

**22. Second Appeal In Case Of Dismissal, Removal Or Reduction In Rank Or Termination Of Teachers Or Other Persons Employed In Recognized Schools :-**

If the appeal under section 21 was against the dismissal, removal

or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any recognized school, such teacher or other person or the educational agency aggrieved by any order made in any such appeal may prefer an appeal against that appellate order to the Tribunal.

### **23. Special Provision Regarding Appeal In Certain Past Disciplinary Cases :-**

1. If, before the date of the commencement of this Act, any teacher or other person employed in any recognized school has been dismissed or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before the date -

a. by him against such dismissal or removal or reduction in rank or termination; or

b. by him or the educational agency against any order made before that date in the appeal referred to in clause

(a) is pending on that date, such appeal shall -

i. in a case falling under clause (a), stand transferred to the appellate authority prescribed under section 38, or

ii. in a case falling under clause (b), stand transferred to the Tribunal.

2. If any such appeal as is referred to in sub section (1) has been disposed of before the date of the commencement of this Act, the order made in any such appeal shall be deemed to be an order made under this Act and shall have effect accordingly.

### **24. Pay And Allowance Of Teachers And Other Persons Employed In Recognized Schools To Be Paid In The Prescribed Manner :-**

The pay and allowances of any teacher or other person employed in any recognized school shall be paid on or before such day of every month, in such manner and by or through such authority, officer, or person, as may be prescribed.

### **25. Chapter To Have Overriding Effect :-**

1. This Chapter or any rule providing for all or any of the matters specified in this Chapter or any order made in relation to any such matter shall have effect notwithstanding

a. anything contained in any

- i. other law for the time being in force, or
  - ii. award, agreement or contract of service whether such reward, agreement or contract of service was made before or after the date of the commencement of this Act, or
  - iii. judgement, decree or order of Court, Tribunal or authority, or
- b. that the rules relating to recognition of, or payment of grant, to recognized schools, had or have no statutory force:

Provided that where, under any such award, agreement, contract of service or otherwise, any teacher or other person employed in any recognized school is entitled to benefits in respect of any matter which are more favourable to him than those to which he will be entitled under this Chapter, such teacher or other person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Chapter.

2. Nothing contained in this Chapter shall be construed as precluding any such teacher or other person from entering into an agreement for granting him rights or privileges in respect of any matter, which are more favourable to him than those to which he would be entitled under this Chapter.

## **CHAPTER 6 ADMISSION TO SCHOOLS AND FEES**

### **26. Admission To Recognized Schools :-**

1. A child who has not attained the age of five years shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognized school.

2. A student seeking admission for the first time in a recognized school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.

3. Admission to a recognized school or to any class thereof shall be regulated by rules made in this behalf.

### **27. Fees And Other Charges :-**

1. No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

2. Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or

creating such funds.

3 . The manager of every recognized school shall, before the commencement of each academic year, file with the Director a full statement of the fees to be levied by such school during the ensuing academic year and except with the prior approval of the Director, no such school shall charge, during the academic year, any fee in excess of the fee specified by its manager in the said statement.

### **28. School Fund :-**

1. In every aided school, there shall be a fund, to be called the "School Fund", and there shall be credited thereto

- a. any aid granted by the Government,
- b. income accruing to the school by way of fees, charges or other payments, and
- c. any other contributions, endowments and the like.

2. The School Fund and all other funds, including the Pupils Fund, established with the approval of the Government, shall be accounted for and operated in accordance with the rules made under this Act.

3. In every recognized unaided school, there shall be a fund, to be called the "Recognised Unaided School Fund", and there shall be credited thereto income accruing to the school by way of -

- a. fees,
- b. any charges and payments which may be realized by the school for other specified purposes, and
- c. any other contributions, endowments, gifts and the like.

4.

a. income derived by unaided schools by way of fees shall be utilized only for such educational purposes as may be prescribed; and

b. Charges and payments realized and all other contributions, endowments and gifts received by the school shall be utilized only for the specific purpose for which they were realized or received.

5. The manager of every recognized school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

### **29. Affiliations :-**

1. For the purpose of any public examination every recognized high

school or higher secondary school shall be affiliated to one or more of the Boards or authorities conducting such examination and shall fulfill the conditions specified by the Board or authority in this behalf.

2. The students of every recognized high school or higher secondary school shall be prepared for, and presented to, the public examination or such other form of evaluation held or made for the students of such schools.

3. The students of every recognized middle school shall be prepared for, and presented to, such public examination, as may be specified by the Director.

## **CHAPTER 7 TAKING OVER THE MANAGEMENT OF SCHOOLS**

### **30. Taking Over The Management Of Schools :-**

1. Whenever the Government is satisfied that the educational agency or manager of any recognized school, has neglected to perform any of the duties imposed on it or him, by or under this Act or any rule made thereunder and that it is expedient in the interests of school education to take over the management of such school, it may, after giving the educational agency or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three year:

Provided that where the management of a school has been taken over for a period of three years or less, the Government may, if it is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, it may, from time to time, issue directions for the continuance of such management for such period not exceeding three years:

Provided that where the management of a school has been taken over for a period of three years of less, the Government may, if it is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, it may, from time to time, issue directions for the continuance of such management for such period not exceeding one year at a time as it may think fit, so however, that the total period for which such management is taken over shall not, in any case, exceed five years.

2. Whenever the management of any school is taken over under subsection (1), every person incharge of the management of such



school immediately before its management is taken over, shall deliver possession of the school property to the Government or any officer authorized by it in this behalf.

3. After taking over the management of any school under this section, the Government may arrange to manage the school through the Director or any other person authorized by the Director in this behalf (hereinafter referred to as the "authorized officer").

4. Where the management of any school has been taken over under subsection (1), the educational agency or manager of such school may, within three months from the date of taking over, appeal to the Government, and the Government may after considering the representation made by educational agency or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Government.

5. Where the management of a school has been taken over under this section, the Government shall pay such rent as may be payable for the building of the school to the person entitled to receive it as was being paid by the educational agency or the manager immediately before the management of such school was taken over.

6. During such period as any school remains under the management of the authorized officer -

a. the service conditions, as approved by the Government, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;

b. all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;

c. the School Fund, the Pupils Fund and the Management Fund and any other existing fund shall continue to be available to the authorized officer for being spent for the purposes of the school; and

d. No resolution or order passed by the educational agency of such school shall be given effect to unless approved by the Government.

### **31. Section 30 Not To Apply To Minority Schools :-**

Nothing contained in section 30 shall apply to any minority school.

## **CHAPTER 8 ACCOUNTS, AUDIT, INSPECTION AND RETURNS**

### **32. Accounts :-**

Every recognized school shall maintain accounts in such manner and containing such particulars as may be prescribed.

### **33. Annual Audit Of Accounts :-**

1. The accounts of every recognized school receiving aid shall be audited at the end of every academic year by such authority, officer or person as may be prescribed and different authorities, officers or persons may be prescribed for different classes of private schools.

2.

a. The authority, officer or person, prescribed under subsection (1) shall send a copy of the report on the audit of the accounts under that subsection to the appropriate authority, which shall forward the report to the educational agency.

b. The educational agency shall, within such time as may be prescribed, submit that report together with the comments of that agency to the appropriate authority.

### **34. Inspection Or Inquiry :-**

1. The appropriate authority shall have the right to cause an inspection of, or inquiry in respect of, any recognized school, its buildings, laboratories, libraries, workshops and equipment, and also of the examinations, teaching and other work conducted or done by the private school, to be made by such person or persons as it may direct and to cause an inquiry to be made in respect of any other matter connected with the private school and the educational agency shall be entitled to be represented thereat.

2. The appropriate authority shall communicate to the educational agency the views of the authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the educational agency thereon, advise that agency upon the action to be taken.

3. The educational agency shall report to the appropriate authority the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry and such report shall be furnished within such time as the appropriate authority may direct.

4. Where the educational agency does not, within a reasonable time, take action to the satisfaction of the appropriate authority

that authority may, after considering any explanation furnished or representation made by the educational agency, issue such directions as that authority deems fit and the educational agency shall comply with such directions.

### **35. Furnishing Of Returns, Etc. :-**

Every educational agency shall, within such time or within such extended time as may be fixed, by the appropriate authority in this behalf, furnish to that authority such returns, statistics and other information as the appropriate authority may, from time to time, require.

## **CHAPTER 9 GENERAL PROVISIONS REGARDING APPEAL AND REVISION**

### **36. Appeal Against Orders Of Appropriate Authority :-**

1. Any person aggrieved by any order, decision or direction of the appropriate authority under any provision of this Act may prefer an appeal against such order, decision or direction, to such authority or officer as may be prescribed; and different such authorities or officers may be prescribed for different classes of recognized schools.

2. If the appropriate authority omits to communicate its decision to any applicant within the period specified in clause (b) of section 6 or in clause (b) in subsection (5) of section 8, such applicant may prefer an appeal against such omission to the appellate authority prescribed under this section.

### **37. TRIBUNAL CENTRAL ACT 5 OF 1908 :-**

1. The Government may constitute as many Tribunals as may be necessary for the purposes of this Act.

2. Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of a District Judge or an officer of equal grade qualified in law and serving in the Law Department of the Government.

3. Each Tribunal shall have such jurisdiction and over such area or in relation to such class of private schools, as the Government may, by notification, from time to time, determine.

4. Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while hearing an appeal.

### **38. TIME FOR APPEAL AND POWERS OF APPELLATE AUTHORITY :-**

1. No appeal under any provision of this Act shall be preferred after expiry of one month from the date on which the order, decision or direction appealed against, was received by the appellant: Provided that the appellate authority may, in its discretion allow further time not exceeding one month for preferring any such appeal if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.
2. On receipt of any such appeal, the appellate authority shall, after
  - a. giving the parties an opportunity of making their representations,
  - b. making, if necessary, such inquiry as it deems fit, and
  - c. considering all the circumstances of the case, make such order as it deems just and equitable.
3. The appellate authority may, pending the exercise of its power, pass such interlocutory orders as it deems fit.
4. Every appeal under this Act shall be disposed of as expeditiously as possible.

### **39. DEPOSIT WITH THE TRIBUNAL OF PAY AND ALLOWANCES OF TEACHERS AND OTHER PERSONS EMPLOYED IN RECOGNIZED SCHOOLS IN CERTAIN CASES :-**

1. If the appellate authority referred to in section 38 has, in any appeal under that section against the dismissal or removal or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any recognized school, made an order restoring such teacher or other employee as such, no appeal against the order of such restoration shall be preferred to the Tribunal and no appeal (against the order of such restoration) which, under section 23, stands transferred to the Tribunal shall be proceeded with by the Tribunal, unless the educational agency deposits with the Tribunal all arrears of pay and allowances due to such teacher or other person from the date of his dismissal or removal or reduction in rank or termination otherwise of his appointment up to the date of deposit, and continues to deposit the pay and allowances due to such teacher or other person until the termination of the proceedings before the Tribunal.
2. The deposit under subsection (1) shall be made within such time and in such manner as may be prescribed.

3. Where there is any dispute as to the amount to be deposited under subsection (1), the Tribunal shall on application made to it either by the educational agency or by such teacher or other person, and after making such inquiry as it deems fit, determine summarily the amount to be so deposited.

4 . If the educational agency fails to deposit the amount as aforesaid, the Tribunal shall, unless the educational agency shows sufficient cause to the contrary stop all further proceedings and make an order directing the educational agency to restore such teacher or other employee as such.

5.

a. Where, as a result of any final order made by the Tribunal at the conclusion of the proceedings before it any amount of pay and allowances as becomes due to such teacher or other person, such amount shall be paid to him out of the amount deposited under subsection (1).

b. If there is any balance left of the amount deposited under subsection (1) after payment under clause (a) of the pay and allowances referred to in that clause, such balance or, where no amount becomes due as aforesaid to such teacher or other person, the whole of the amount deposited under subsection (1), shall be returned to the educational agency.

#### **40. REVISION :-**

1. The Government may call for and examine the record of any authority or officer prescribed for the purpose of section 30 in respect of any proceedings to satisfy themselves as to the regularity of such proceedings or the correctness, the legality or propriety of any order made, decision taken or direction issued therein; and, if in any case, it appears to the Government that any such order, decision or direction should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly.

2. No order prejudicial to any person shall be passed under subsection (1) unless such person has been given an opportunity of making his representation.

3. The Government may, pending the exercise of their power under subsection (1), pass such interlocutory orders as they deem fit.

#### **CHAPTER 10 PENALTIES AND PROCEDURES**

#### **41. Penalty For Not Giving Information Or Giving False**

## **Information :-**

If any person, when required, by or under this Act or any rule made under this Act, to furnish any information, omits to furnish such information or furnishes any information which he knows, or has reasonable cause to believe, to be false, or not true, in any material particular, he shall be punishable with fine which may extend to one hundred rupees.

## **42. Other Penalties :-**

1. If any person willfully contravenes, or attempts to contravene, or knowingly abets the contravention of, any of the provisions of this Act or any rule made thereunder, he shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

2. If any person willfully obstructs any authority, officer or person, from entering any recognized school in the exercise of any power conferred on it or him by or under this Act, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

## **43. Offences By Companies :-**

1. Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge of that he had exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in subsection (1), where any such offence have been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such

director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section,

a. "company" means any body corporate and includes a firm, society or other association of individuals, and

b. "director" in relation to -

i. a firm, means a partner in the firm,

ii. a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

#### **44. Cognizance Of Offences :-**

No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an authority or officer authorized by the Government in this behalf.

### **CHAPTER 11 MISCELLANEOUS**

#### **45. Pondicherry Schools Education Advisory Board :-**

1. There shall be an Advisory Board for school education, to be called the "Pondicherry School Education Advisory Board" for the purpose of advising the Government on matters of policy relating to education in the Union territory of Pondicherry.

2. The Advisory Board shall be constituted by the Government and shall consist of a Chairman and fourteen other members to be nominated by the Government.

3. The Advisory Board constituted under subsection (2) shall include

a. Heads of private schools;

b. Representatives of the organizations of teachers of the private schools;

c. Managers of the private schools;

d. Representatives of parents or guardians of students of private schools; and

e. Eminent educationalists.

4. The Advisory Board shall regulate its own procedure.

5. The term of office of every member of the Board and traveling and other allowances payable to a member of the Board shall be

such as may be prescribed.

**46. Delegation Of Powers Of Government :-**

1. The Government may, by notification, authorize any authority or officer to exercise any of the powers vested in them by this Act, except the power to make rules and may in like manner withdraw such authority.

2. The exercise of any power delegated under subsection (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such authority or officer as may be empowered by it in this behalf and the Government shall also have the power to control and revise the acts or proceedings of any authority or officer so empowered.

**47. Civil Court Not To Decide Questions Under This Act :-**

No civil court shall have jurisdiction to decide or deal with any question which is, by or under this Act, required to be decided or deal with by any authority or officer mentioned in this Act.

**48. Indemnity :-**

1. No suit or other proceedings shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

2.

a. No suit, prosecution or other proceeding shall lie against any authority, officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

b. No authority or officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

3. No suit, prosecution or other proceeding shall be instituted against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after date of the expiry of six months from the date of the act complained of.

**49. Power To Make Rule :-**



1. The Government may, and subject to the condition of previous publication, by notification, make rules to carry out the provisions of this Act.
2. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
  - a. the manner in which education may be regulated by the Government in the Union territory of Pondicherry;
  - b. the conditions which every existing school shall be required to comply;
  - c. establishment of a new school or the opening of a higher class or the closing down of an existing class in an existing school;
  - d. the form and manner in which an application for recognition of a school shall be made;
  - e. the facilities to be provided by a school to obtain recognition;
  - f. the manner in which, and the authority to which, an appeal against the refusal or withdrawal of recognition shall be made;
  - g. the minimum qualifications for, and method of recruitment, and the terms and conditions of service of employees;
  - h. the authorities to be specified for the purposes of the different provisions of this Act;
  - i. the particulars which a scheme of management shall contain, and the manner in which such scheme shall be made;
  - j. variations and modifications which may be made in the scheme of management for a recognized school which does not receive any aid;
  - k. the conditions under which aid may be granted to recognized schools, and on the violation of which aid may be stopped; reduced or suspended;
  - l. the part of the expenditure of a recognized school which is to be covered by aid;
  - m. particulars of school property which should be furnished to the appropriate authority;
  - n. the form in which and the time within which, an appeal shall be preferred to the Government against an order made in relation to the transfer, mortgage or lease of any school property;
  - o. the Code of Conduct for the employees and the disciplinary action to be taken for the violation thereof;
  - p. the benefits which should be granted to the employees of private schools;
  - q. admission to a recognized school;

- r. fees and other charges which may be collected by an aided school;
- s. the manner of inspection of recognized schools;
- t. the term of office, traveling and other allowances payable to the members of the Advisory Board;
- u. financial and other returns to be filed by the educational agency or the manager of private schools, and the authority by which such returns shall be audited;
- v. educational purposes for which the income derived by way of fees by recognized unaided schools shall be spent;
- w. manner of accounting and operation of school funds and other funds of a private school;
- x. fees, for preferring any appeal under this Act;
- y. any other matter which is to be, or may be prescribed under this Act.

3. Every rule made under this act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Pondicherry while it is in session for a total period of fifteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid the Legislative Assembly agrees in making and modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### **50. Power To Remove Difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the Government may by order not inconsistent with the provisions of this Act, remove the difficulty. Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.