



# BANKURA UNIVERSITY

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The University follows the policy on code of conduct as laid down in its Act, Statute and Ordinance which are as follows:

## Code of Conduct as laid down in First Ordinance:

### CHAPTER-IX

#### **The University Ordinances relating to the Duties and Functions of the Teachers of the University including the Heads of the Departments**

##### **O. rd.40 (Duty):**

1. These Ordinances may be called the Ordinances relating to Duties and Functions of the Teachers and Heads of the Department under the Bankura University.
2. In these Ordinances unless the context requires otherwise, word and expressions used shall be interpreted to have the same meaning as they have in the Act.
3. General Functions:-
  - a. The general functions of a teacher (either whole-time or part time) of the University shall be-
  - b. To give instruction in accordance with the curriculum and time-table for the time being in force:
  - c. To advise students in matters relating to their course of study and other matters relevant thereto;
  - d. To work co-operatively with the department concerned in the conduct of instruction and research so as to enhance the good name and reputation of the University as an outstanding centre for teaching and advancement of learning.
  - e. To keep abreast of the current literature in his/her sphere of learning and to impart knowledge to  
and guide the students in accordance therewith;

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PROF. DEB NARAYAN BANDYOPADHYAY  
Vice-Chancellor  
BANKURA UNIVERSITY

- g. To give advice and suggestion to the Librarian regarding purchase and preservation of the Library of books, manuscripts, antiquities, arts, treasures, maps or other resources pertaining to his/her domain of learning;
- h. To serve the University in connection with the conduct of examinations including supervision and invigilation/Paper-setting/examining/moderation/scrutiny and publication of results.
- i. To take such part in the administrative and organizational work of the University by serving on Committees or Bodies or by individual consultation as may be required by the competent authority.
- j. To serve the University in connection with NCC/NSS section of the University and active participation thereof.

4. Duties of Professors, Associate Professors and Assistant Professors:–

It shall be the duty and responsibility of every Professor, Associate Professor and Assistant Professor to deliver lectures, to conduct classes including Practical classes, to engage in research work, to supervise and assist students who are engaged in research work in his domain of learning, to undertake such tutorial work as may be required by the Head of the Department concerned and to do such other things like Educational Tour prescribed in the syllabus, consistent with his status, as he may, from time to time, be required to do in conformity with the extant Govt. order of the State Govt.

5. Special Provision relating to endowed posts:–

In the case of teachers of the University holding endowed posts any special condition or agreement relating to their duties which may specifically form a part of the endowment shall, notwithstanding anything to the contrary contained in the provisions be adhered to.

6. Lectures and Tutorial works:–

a. A professor who is the Head of the Department shall deliver 6 to 8 lectures/Practical Classes in a week and a Professor who is not the Head of the Department, shall deliver at least 12 lectures / Practical Classes in a week or as per extant Govt. order of the State Govt. in conformity with the

b. An Associate Professor shall deliver at least 16 lectures/ Practical Classes in a week.

c. An Assistant Professor shall deliver at least 22 lectures / Practical Classes in a week.

d. Guest teachers /Resource Persons shall deliver lectures/ Practical Classes as per the requirement of the University assigned to them by the Registrar/Vice Chancellor.

e. The tutorial works and Practical Classes may be distributed by the Head of the Department concerned among the Professors, Associate Professors, Assistant Professors, Guest teachers,



Resource Persons in such a manner as he/she may consider fit in consultation with the Departmental committee to be approved by the Vice Chancellor.

7. Head of the Department:—

a. In every teaching Department of the University, there shall be a Head of the Department who shall be appointed by the Vice Chancellor by rotation in order of Seniority from amongst the whole time permanent University teachers not below the rank of Associate Professor.

Provided that in a teaching Department where there are no Professors or Associate Professors, the Head of the Department shall be appointed from amongst the Assistant Professor by rotation according to the seniority and the designation will be Teacher-in-Charge (TiC) of the Department.

b. In a University teaching Department where there are Professor and Associate Professors, Professors shall be deemed to be senior in rank to Associate Professors.

c. The appointment of the Head of the Department by the Vice Chancellor shall be reported to the Executive Council.

d. A head of the Department hold the Office for a term of two years from the date of his appointment. A teacher shall cease to be the Head of the Department on attaining the age of superannuation.

e. A teacher who has already served as the Head of the Department may be re- appointed to that office when everyone among the other eligible teacher of the Department has already served in that office in the manner prescribed in paragraph (a) & (b) above

f. ) A Head of the Department may resign his office by writing under his hand to the Vice – Chancellor.

g. The principle of rotation as embodied in paragraph (a) & (b) above shall apply in the case of a vacancy in the office of the Head of the Department caused by the resignation or release of an incumbent from the service of the University or by the grant of long leave in his/her favour.

h. If there is a temporary vacancy in the office of the Head of the Department, the teacher next in seniority in the Department shall be appointed to act as the Head of the Department for the period of such vacancy.

8. Duties and Functions of the Head of the Department:—

a. The Head of the Department shall be in overall charge of the Department, and shall exercise general supervision over the teaching and non- teaching staff of the Department,

b. S/he shall take necessary action for holding of regular classes of the Department and keeping the Departmental Libraries, laboratories, workshops etc. in good conditions with the assistance of the teaching and non-teaching Staff of the Department.

- c. S/he shall take necessary action for the implementation of the decision of the Board of Studies, subject to the provisions of the University Statutes, Ordinances and Regulations and specific directives, if any, from appropriate authorities.
  - d. S/he shall be the responsible for the faithful observance of all the directives of the Executive Council, faculty Council and other appropriate authorities relating to academic as also administrative matters applicable to the Department.
  - e. S/he shall help the Dean of the Faculty Council in framing the Class routine for the Department and shall cooperate with him in all academic matters.
  - f. S/he may call for reports at the end of the semester session from all teachers of the Department in respect of the courses assigned to and taken by them and place these reports before the Board of Studies.
  - g. S/he shall cooperate with other heads of the Departments of the University in the matter of inter departmental teaching and research.
  - h. S/he shall cooperate with the Dean of the Faculty Council and Controller of Examinations in matters of holding and conducting University Examinations concerning the Department and quick publication of results.
  - i. S/he shall have active interest in all academic programmed of the Department.
  - j. S/he shall have the power to allocate/ reallocate duties to the non-teaching staff in consultation with Heads of Sections, if any, in the interest of the Department.
  - k. S/he shall have the power to report to the Vice Chancellor in case of teachers of the Department, and to the Registrar in the case of other employees of the Department, in respect of gross misconduct or negligence of teaching, examinations and other duties on the part of the teachers/ employees.
- l. As Vice Chairman of the Board of Studies, s/he shall preside at its meetings in the absence of the Vice Chancellor.
- m. S/he shall prepare the agenda for the meeting of the Board of Studies and arrange for the circulation of the minutes to the members or for making the minutes otherwise available to the members for perusal and scrutiny.
  - n. S/he shall perform such other duties and exercise such other powers as may be decided from time to time by the Vice- Chancellor and / or the Executive Council, or as may be delegated to him by any other appropriate authorities.
    - o. The Head of every department shall act under the general supervision and control of the Vice Chancellor, subject to delegation of such power to an officer of the University and his/her duties and functions shall be to administer the academic affairs of the Department concerned in accordance with the provision of the Act, the statute, the Ordinances and the regulations so that the decisions



which may be relevant to his/her Department are promptly complied with.

- p. The Departmental committee shall meet at least once in a month which shall be convened by the Head of the Department in the Department concerned with the agenda and the time of the meeting being decided upon in the preceding meeting so that no notice need to be circulated. Resolution of the Departmental committee, which shall ordinarily be arrived at through consensus, shall be kept under the custody of the Head of the Department and the same shall be submitted to the concerned faculty council of post Graduate Studies / Under Graduate Studies as and when called for .If the decisions of the Departmental Committee are not implemented by any teacher, the matter shall be referred to the relevant faculty council of Post Graduate Studies/ Under Graduate Studies and their decision is final and binding.
- q. In Case the Head of the Department disagrees with the Departmental Committee in respect of any matter, it shall be referred to the relevant faculty council of Post Graduate Studies/ Under Graduate Studies and their decision is final and binding.

## **CHAPTER-X**

### **ORDINANCES RELATING TO SERVICE AND DISCIPLINE**

#### **O. rd.41 (S&D) Service and Disciplines:-**

1. All appointments to all posts other than teaching posts under the University shall be made by a resolution of the Executive Council. The formal letter of appointment shall, however, be issued under the signature of the Registrar acting on behalf of the University.
2. The following penalties or any of these may be imposed on any employee for misconduct, for good and sufficient reasons and after complying with the procedure laid down hereinafter.
  - i. Censure,
  - ii. Withholding of increment or promotion including the stoppage of increment at an efficiency bar, if any,
  - iii. Reduction to a lower stage in the time scale of pay for a specified period with further direction as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay,
  - iv. Reduction to a lower time scale of pay, grade, post or service which shall not ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions to the restoration to the grade or post or service from which the employee was reduced and his seniority and pay on restoration to that grade, post or service,

- v. Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of order,
  - vi. Compulsory retirement,
  - vii. Removal from service which shall not be a disqualification for future employment under the University,
  - viii. Dismissal from service which shall ordinarily be a disqualification for future employment under the University.
3. Subject to the provisions hereinafter, the Vice-Chancellor of the University shall be the disciplinary authority in respect of all employees other than those belonging to the non-teaching staff and in the case of non-teaching staff, the registrar of the University shall be disciplinary authority, provided that the disciplinary authority shall not be entitled to impose any punishment other than "Censure" on any employee and the in case

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disciplinary authority is of opinion that the gravity of the offence proved may warrant imposition of any punishment other than Censure, it shall be the duty of the disciplinary authority to place all papers including the findings of the disciplinary authority on an enquiry, if any, before the Executive Council for passing the final order as the Executive Council may deem appropriate. It shall be for the Executive Council in such case, to decide whether the finding of the disciplinary authority should be accepted or not.

- a. The disciplinary authority may place an employee under, suspension—
  - i. where the disciplinary proceedings against him is contemplated for is pending or;
  - ii. where a case against him in respect of any criminal offence is under investigation, enquiry or trial.
- b. An employee shall be deemed to have been placed under suspension by an order of the disciplinary authority—
  - . with effect from the date of detention, if he is detained in police or judicial custody on a criminal charge for a period exceeding 48 hours;
  - i. with effect from the date of his conviction, if, upon such conviction, he is sentenced to a term of imprisonment exceeding 48 hours.



c. Where the penalty of dismissal or removal from service imposed upon an employee, under suspension, is set aside on appeal or on review under this Ordinance or under any order of the Court of Law and the case is remitted for further enquiry or action with any other direction his suspension shall be deemed to have continued and in force from the date of the original order of the dismissal and shall remain in force until further orders of the disciplinary authority.

d. During the period of suspension, the employee concerned shall be entitled to a subsistence allowance of an amount equal to one half of his basic pay and allowances in full. In the event of his suspension being followed by punishment he shall not be entitled to any further emoluments other than what he had already been paid from the date of his suspension unless the Executive Council directs otherwise.

e. An order of suspension under this Ordinance shall not be deemed to be or construed as punishment for any purpose whatsoever.

5. when an employee who has been dismissed, removed or suspended is reinstated, the Disciplinary, Appellate or Reviewing Authority, as the case may be, may grant him for the period of his absence from duty;—

a. if he is honorably acquitted, the full pay and allowances other than the travelling allowance to which he would have been entitled, if he had not been dismissed or removed or suspended, less the subsistence grant.

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b. if otherwise, such proportion of pay and allowances as the Disciplinary, Appellate or Reviewing Authority may determine;

c. in a case falling under clause (a) the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (b) the period may be treated as on duty or leave as may be due to him, but it will not be so treated unless the Disciplinary, Appellate or Reviewing authority directs accordingly.

a. No order imposing of the penalties shall be made except after an enquiry held in the manner provided in the Ordinance.

b. The disciplinary authority shall draw or cause to be drawn up—

i. the substance of the imputation of misconduct or misbehavior into definite and distinct article or articles of charge;

ii. a statement of imputation of misconduct or misbehavior in support of each article of charge which shall contain—

iii. a statement of relevant facts including any admission or confession made by the employee;

iv. a list of documents by which, and a list of witnesses by whom, the article (s) of charge are proposed to be sustained;

c. the disciplinary authority shall deliver or cause to be delivered to the employee, a copy of the article (s) of charge and the statement of imputation of misconduct or misbehavior

prepared under sub-paragraph (ii) and shall require the employee to submit to the disciplinary authority, or to the enquiring authority where an enquiring authority has been appointed by the disciplinary authority, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person;

d. the disciplinary authority may in a case for the purpose of enquiry, appoint an Enquiring Authority and forward to it:

- . a copy of the article (s) of charge and the statement of the imputation of misconduct or misbehavior.

- i. a copy of the statement of witnesses, if any,

- ii. evidence proving the delivery of the documents mentioned in sub-paragraph (ii) to the employee;

e. the employee shall appear *in person* before the disciplinary/inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles (s) of charge and the statement of imputation of misconduct or misbehavior as the disciplinary/ inquiring authority may fix by a notice in writing in *this* behalf or within such further time as the disciplinary inquiring authority may allow;

f. if the employee who has not admitted any of the article (s) of charge in his written statement of defence appear before the disciplinary /inquiring authority, such authority *shall* ask him whether he admits or pleads guilty to any of the articles of charge and shall record the plea, *sign* the record and obtain the signature of the employee thereon. There-upon the disciplinary/ inquiring authority shall return the findings of *guilt* or otherwise in respect of these articles of charge to which the employee pleads guilty. The disciplinary/ inquiring authority shall, if the employee *fails* to appear within the specified time or refuses or *omits* to plead *guilty* or claims to be tried, require the University or its representatives to produce the evidence by which *it* is proposed to prove the article (s) of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the *employee* needs such time for the purpose of preparing *his* defence;

g. the employee shall thereafter—

- i. inspect within 5 working days of the order or within such further time not exceeding 5 working days as the disciplinary/inquiring authority may allow, the documents specified in the list referred to in this paragraph;

- ii. submit a list of witnesses to be examined on his behalf;

- iii. give a notice within 10 working days of the order or within such further time not exceeding 10 working days as the disciplinary/ inquiring authority may allow asking for the discovery or production of any documents which are in the possession of the authority but not mentioned in the list mentioned in sub- paragraph (ii);

h. the disciplinary /inquiring authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of documents by such date as may be specified in such requisition; Provided that the disciplinary/inquiring authority may, for reasons



to be recorded by it, in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case;

- i. On receipt of the requisition referred to in sub-paragraph (g), every authority having the custody or possession of the requisitioned documents shall produce the same before the disciplinary/ inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is of the opinion for reasons to be recorded by it, in writing, that the production of all or any of such documents would be against the interest of the University, it shall inform the disciplinary/ inquiring authority accordingly and the disciplinary/ inquiring authority shall on being so informed communicate the

opinion to the employee and withdraw the requisition made by it for the production or discovery of such documents;

- j. the disciplinary/ inquiring authority shall allow the employee an opportunity to cross examine the witnesses, if any, examined on behalf of the University in support of the charge and shall also allow the employee to examine such witnesses in support of his defence as may be considered relevant in the context of the charge;
- k. After the completion of the inquiry, the disciplinary/inquiring authority shall prepare its report

which shall contain the following:—

- i. the article(s) of charge and the statement of imputation of misconduct or misbehavior;
- ii. the defense of the employee in respect of each article of charge;
- iii. assessment of the evidence in respect of each article of charge;
- iv. the findings on each article of charge and the reasons there of;

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- i. in such a case where the disciplinary authority is not authorised to impose the required penalty upon the employee, he shall forward his report together with records of the disciplinary proceedings to the Executive Council for consideration and necessary action. The Executive Council shall decide provisionally as to the punishment to be imposed upon the employee concerned, if it is proposed to punish the employee with any of the punishments viz dismissal, removal from service, reduction in rank or in time scale or grade or compulsory retirement. In all other cases, the Executive Council shall be entitled to pass a final order imposing any of the punishments upon the employee except those mentioned above;
- ii. if the inquiry has been conducted by an inquiring authority other than the disciplinary authority, then the inquiring authority shall forward the inquiry report together with the records of the inquiry proceedings to the disciplinary authority and the disciplinary authority shall

consider the records of the inquiry and record its findings on each charge and thereafter the procedure mentioned in the sub-paragraph (1) (i) shall be followed;

- iii. If the Executive Council, having regard to the findings on the charges, is of the opinion that any of the punishments mentioned in sub-paragraph (1) (i) should be imposed and has recorded the“

provisional findings in that regard in the manner hereinbefore provided, it shall-

- a. furnish to the employee a copy of the report of the inquiry and a statement of its findings together with brief reasons for Executive

Council's agreement, if any, with the findings of the disciplinary/inquiring authority;

- b. give him a notice stating the punishments proposed and the grounds thereof and calling upon him to submit within a specified time, such representation as he may wish to make on the punishment proposed, only on the basis of the evidence produced during the enquiry;

- iv. The Executive Council shall consider representation, if any, made by the employee in response to the notice under clause (2) of sub-paragraph 1 (iii) and determine the penalty, if any, that should be imposed on the employee and pass such order as it may deem fit;

- v. an order passed by the Executive Council under sub- paragraph 1 (iv) shall be communicated to the employee in writing by the Registrar;

(m) If more than one employee is involved in the allegations contained in the charge or charges for misconduct, the disciplinary authority may make inquiry in a common proceeding or direct that the inquiry in respect of these employees be held in a common proceeding.

7. Nothing in Section 45 of this chapter shall apply in a case where the Executive Council imposes any penalty enumerated in Section 41 on an employee—

- a. On the ground of conduct which has led to his conviction on a criminal charge or on the strength of facts or conclusion arrived at in a judicial trial;

- b. Who has absconded or where, for other reasons, it is impracticable to communicate with him.

8. Any of the following acts of an employee shall be construed as an act of misconduct:

gross negligence in the discharge of duties;

- a. willful insubordination or disobedience to a reasonable order of a higher authority or breach of discipline;

- b. theft, fraud or dishonesty in connection with the property of the University;

- c. giving false information regarding one's name, father's name, age, qualifications, previous service etc, at the time of employment;

- e. habitual late attendance or willful absence from duty without leave or sufficient causes;



- f. taking or giving bribes or any illegal gratifications or indulging in corrupt practices;
  - g. indecent behavior or any other act subversive of discipline;
  - h. assaulting or intimidating any employee of the University;
  - i. sabotage or willful damage to or causing loss of goods or properties of the University;
  - j. spreading false information with a view to cause disruption of the normal work of the University;
  - k. unauthorized use of land and building of the University;
  - l. conviction in a Court of Law for offence involving moral turpitude;
  - m. breach of rules and regulations, orders and circulars of the University or of any of the higher authorities;
  - n. abatement or attempt to commit any of the acts of misconduct;
  - o. any other ground which may be considered by the Executive Council to be detrimental to the interest of the University or the institution he is serving.
9. Whenever a complaint is made against an employee of the University about the committing of an act of misconduct, it shall be competent for the disciplinary authority described hereinbefore, to carry out a preliminary inquiry before commencing the formal disciplinary proceedings referred to hereinabove. Such preliminary inquiry may be made either by the disciplinary authority himself or by some other person(s) authorised by the said authority to carry out the inquiry. Such person (s) need not be connected with the University. This preliminary inquiry will be in the nature of a fact finding inquiry for the purpose of enabling the disciplinary authority to ascertain whether there is a prima facie case which will justify the commencement of formal disciplinary proceedings. The disciplinary authority, however, need not carry out such preliminary enquiry, if the said authority does not consider it to be necessary. It shall be competent for the Executive Council for good and sufficient reason, to direct the Vice-Chancellor or the Registrar to initiate either a preliminary inquiry or formal disciplinary proceedings against any of the employees of the University.
10. An appeal against an order imposing any of the penalties by the Executive Council except the punishment involving termination of service by way of dismissal or removal or compulsory retirement shall lie to an Appellate Authority to be constituted with three persons by a resolution of the Executive Council. At least one of these three persons shall be an outsider. Such appellate authority shall be appointed for such term and on such other terms and conditions with regard to the holding of office by the members of the Committee and with such staff as the Executive Council may determine by resolution.
11. An appeal against an order of dismissal or removal or compulsory retirement shall be made to the Tribunal constituted under section 33 of the Act.
12. No appeal shall be entertained unless such appeal is preferred within the period of three months from the date on which a copy of the order, appealed against, is delivered to the employee concerned;

Explanation:– The word “delivered” in this ordinance shall mean and include sending of the order to the employee concerned by registered post with acknowledgement due and a lapse of a period of 30 days from the date of posting of the order, if the employee concerned does not otherwise acknowledge in writing the receipt of the order or if he

refuses to accept the order sent by registered post; Provided that the  
Tribunal or Appellate

Authority, as the case may be, may entertain an appeal after the expiry  
of the said period if sufficient cause for not preferring the appeal in time  
is shown.

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a. Every person preferring an appeal shall do so separately and in his own name and shall submit five copies of the appeal.

b. The appeal shall be presented to the authority to whom the appeal lies and it shall contain all materials, statements, together with a copy of the order sought to be appealed against and documents on which the appellant wants to rely. The language in the petition of appeal shall not be disrespectful or improper and shall be complete in itself

c. The authority which made the order appealed against, on receipt of a copy of the appeal, forward its comments thereon, if any, together with the relevant records to the Tribunal or Appellate Authority without any avoidable delay.

d. The Tribunal/Appellate Authority shall regulate its own procedure in the matter of hearing and disposal of the appeal.

a. An employee, who is not on contract service, may at any time resign from his employment upon giving one month's notice in writing, provided no teacher shall be normally relieved during the course of the academic year unless the Executive Council decides otherwise in any individual case. If he is an officer or a teacher not below the rank of Professor, six months notice in writing will be required. In default, the employee concerned, unless Executive Council decides otherwise in any individual case, shall be liable to refund to the University an amount equal to his total emoluments for the shortfall of the period of notice. The Executive Council shall, however, have the right to deduct the same amount from his dues, if any, from the University.

b. On the termination of the service of an employee for whatever cause, the employee shall pay to the University any money that may be due from him, deliver to the authorities of the University all books, apparatus, records, and such other articles belonging to the University as may be in the possession at the time and take clearance certificate from the Registrar. In case of default on the part of such employees, the Executive Council shall have the right to deduct the money or the value of articles from his dues from the



University.

(15) An employee shall make a declaration of his age at the time of his entry into service based on his Matriculation, School Final, Secondary, Higher Secondary, Senior Cambridge or any other certificate approved by the Executive Council and in the case of non- Matriculates such other documentary proof as may be acceptable to the authority concerned upon which the age will be admitted. After the declaration of age and acceptance of the same by the authority it shall be binding on him and no revision of such age shall be allowed to be made at a later

## CHAPTER - IV

## Ordinances relating to Residence and Disciplines of Students

### **Condition of Residence and Rules of Discipline of the Students & Levy of Fees for Residence in Halls**

**O. rd.8. (R &D): Definitions: –**

- a. ) in these Ordinances, unless the context requires otherwise-
- i. “Board” means the Board of Residence and Discipline constituted under these Ordinances;
- ii. “Hall”/ “Hostel” means a residence for students of a University Department of Studies which is under the direct and exclusive control of the University;

**O. rd.9. (R&D): Halls and Hostels:—**

- a. Subject to the general control and supervision of the Executive Council the Halls/ Hostels of the University shall be established, maintained and managed by the respective Faculty Council provided that before establishing any Hall or Hostel, the relevant faculty as the case may be, shall initiate a survey and shall decide that-
  - i. the establishment of the Hall or Hostel is necessary to meet the existing needs;
  - ii. suitable plans for establishment/construction of Hall or Hostel has been drawn up; and
  - iii. Sufficient financial and other resources are available for the establishment/construction of maintenance of Hall or Hostel.

- b. Halls or Hostels shall be maintained and managed in accordance with such standards as may be laid down by the relevant faculty council or the concerned Council for post- graduate & under-graduate Studies, as the case may be.
- c. In the matter of maintenance and management of Halls or Hostels the relevant Faculty Council for Post-Graduate Studies or Under-Graduate Studies shall consult the Advisory Bodies of the University concerned with residence, discipline and health of students residing in Halls and Hostels subjects to the overall control of the Registrar under the supervision of the Vice Chancellor.

**O. rd.10 (R&D): Board of Residence and Disciplines: –**

The Board of Residence and Discipline shall be constituted with the following members, namely–

- i. the Vice-Chancellor, who shall be the Chairman (ex-officio);
- ii. the Deans of the Faculty Councils for Post-graduate and Under graduate Studies, (ex-Officio);
- iii. the Medical Officer of the University (ex-officio);
- iv. one representative of the Executive Council not being a teacher, to be nominated by that Council;
- v. four teacher-members of the Faculty Councils for Post-graduate and Under-graduate Studies, one from each Faculty, to be nominated by the Executive Council.
- vi. Registrar of the University shall function as Secretary.

**O. rd.11 (R&D): Members of the Board of Residence and Disciplines: –**

- i. One third of the total number of members of the Board plus one shall be the quorum for a meeting of the Board: Provided that no quorum shall be required for an adjourned meeting.
- ii. The Board shall meet at least thrice a year, preferably once in every three months or at shorter intervals if the Vice-Chancellor deems it necessary.
- iii. The Secretary to the Board shall keep a record of the proceedings of the meetings of the Board.
- iv. A nominated member of the Board shall hold office for a term of four years: Provided that, if any such member ceases to hold office by virtue of which he was nominated, he shall cease to be such member.

**O. rd.12 (R&D): Functions of the Board of Residence and Disciplines: –**



Subject to the provisions of the Act, the Statutes, the Ordinances, the Regulations and the Rules, the Board shall exercise the following powers and perform the following duties, namely-

- a. to recognize or withdraw recognition of halls or hostels in accordance with the provisions of the University Ordinances relating to Residence and Discipline of Students;
- b. to recognize temporarily, in a case of emergency, as a hostel any residence for students other than the halls and the hostels referred to in clause (iii) of Section. 2 subject to such terms and conditions as the Board may, in each case impose;
- c. to supervise and control all halls, hostels and other places of residence for students referred to in clause (iii) of Section. 2 and to enforce the observance therein of the rules of discipline that may be made by the authorities of the University;
- d. to arrange for the periodical inspection of halls, hostels and other places of residence referred to in clause (iii) of Section. 2;
- e. to deal with cases of breach of discipline in any hall / hostel or such other place of residence in accordance with the provisions at the University Ordinances relating to Residence and Discipline; and
- f. to advise the Court and the Executive Council on the matters referred to in clauses (c) of Section

49 of the Act in so far as they relate to the matters of residence and discipline of the students of the University.

- g. All matters to be decided by the Board shall be decided at a meeting of the Board:

Provided that the Board may appoint one or more Sub-Committees consisting of three members who may not necessarily be the members of the Board. The Sub-Committee or Sub-Committees shall at the first instance scrutinize all the cases of breach of discipline and exonerate from the charges those students whom they may consider eligible for such exoneration after preliminary enquiry and recommend suitable disciplinary measures including cancellation of examination or debarment from appearing at any University examination for such period as it deems fit or both against whom there are *prima facie* cases. Such students against whom disciplinary measures have been recommended shall be given an opportunity to defend their cases, if they so desire, after they are intimated about the punishment imposed on them. In such cases the Sub-Committee shall further investigate, interrogate and give them an opportunity to place the grievances before the Sub-Committee. In case such students fail to appear before the Sub-Committee on the fixed date and furnish any explanation, in writing with regard to the charges made against them, their cases shall be decided *ex parte* by the Sub-Committee concerned without further reference to them. Any such decision relating to disciplinary action so recommended by the Sub-Committee concerned shall be referred to the Board of Residence & Discipline for approval: Provided further that two members shall form the quorum for a meeting of the Sub-Committee.

- h. If any question arises in respect of any interpretation of the provisions envisaged in the Ordinances under this Chapter or if any difficulty is experienced in the application thereof, the Vice-Chancellor shall give



such directions as he may consider necessary in the matter and such directions shall be final and binding.

- i. Every student of the University who does not reside with his parents or other legal guardian shall, subject to availability of accommodation, ordinarily reside either in a hall or a hostel or in any other private accommodation within the knowledge of the authority concerned.
- j. Any change of residence by a student shall forthwith be communicated by him in writing indicating the full address thereof to Head of the University Department of Studies concerned, as the case may be.
- k. The management of every hall or hostel shall vest in one or more persons appointed by the Board, hereinafter referred to as the Committee of Management.
- l. The Board or the Committee of Management or the University authorities shall appoint a Superintendent for every hall/ hostel and, if necessary, one or more Assistant Superintendents/Wardens to be in-charge of such halls / hostels. The Superintendent shall maintain a Register of the students of the hall / hostel in which shall be entered the names and permanent addresses of the students and of their parents or other guardians and such other particulars as may be prescribed by Rules made by the Board.

#### **O. rd.13 (R&D): Hostel Rules:-**

- a. The following rules shall apply to every hall or hostel, namely-
  - i. Rules of Discipline appended to these Ordinances;
  - ii. Rules made by the Board and the Committee of Management;
  - iii. Except with the previous permission of the Superintendent which shall be recorded in a Register kept for the purpose, no student residing in a hall or hostel shall remain absent from the hall or the hostel between the hours of 9 p.m. and 6. a.m.: and
  - iv. The Superintendent shall keep a Gate Register in which she shall enter the name of every student residing in the hall or the hostel who is absent there from for any period between the hours as specified at (iii) she shall also put his remarks in respect of each such entry.
- b. Subject to the provisions of these Ordinances and the Rules made by the Board, if any, the Committee of Management shall have the power to frame any other Rules for the management of the hall or the hostel, provided that, a copy of every such Rule shall be forwarded to the Board for approval. Such Rules shall be given effect to after they are approved by the Board.
- c. A copy of all Rules referred to in paragraphs (a) and (b) shall be displayed prominently in the hall or the hostel for information of the students residing therein.
- d. All matters relating to discipline in a hall or hostel shall be dealt with by the Board and decided by it. A student residing in a hall or hostel who is punished by the Board for any breach of discipline shall have no right of appeal to any authority against the orders of the Board.
- e. The Board shall have the power to withdraw recognition from any hostel if it is satisfied that the hostel is not being managed or run in accordance with the provisions of these Ordinances and the Rules made there under or that there has been a general and serious failure of discipline amongst the students residing therein.
- f. The Levy of fees, fines and other charges is to be decided by the Committee of Management subject to the approval of the Board.
- g. Decisions of the Board of Residence & Discipline shall be subject to confirmation by the Executive Council and the decision of the Executive Council shall be final and binding.

#### **O. rd.14 (R&D.): Rules of Discipline:-**



1. Within the precincts of University hall / hostel-
  - a. no public meeting of students shall be called without the previous permission in writing of the University Authority;
  - b. no public function in which any outsider is invited shall be organized without the previous permission in writing of the University Authority;
  - c. no outsider shall be allowed to address the students without the previous permission of the University Authority; and
  - d. no theatrical performance, dance or show of any kind shall be held in the name of any institution without the previous permission in writing of the University Authority.

2. No student shall-
  - . by words spoken or written, or by songs or visible representation offend or insult a fellow student or any teacher or any employee, officer or authority of the University, hall / hostel; or
  - a. misappropriate, destroy, mutilate, disfigure or otherwise damage any property of the University, hall / hostel including furniture, books, equipment and apparatus; or
  - b. disobey any order issued by the University or the authorities of the hall / hostel; or
  - c. disobey any Rule or order for the time being in force in the University, hall or hostel.

3. A student shall be guilty of a breach of discipline if he violates any of the provisions of Rule 2 or is otherwise guilty of misconduct or indecorous behavior.

(4)

- a. For a breach of discipline committed by a student, University Authority may-
  - i. warn her; or
  - ii. impose a fine on her; or
  - iii. suspend her from the University, hall / hostel for one month or any shorter period; or (iv) expel her from the University, hall or hostel for such period as he thinks fit.
- b. When a student is expelled under paragraph 4 (a), the Superintendent shall forthwith report the matter to the Board and the Registrar with a brief statement of the case and the date and period of such expulsion.

5. If a student commits a breach of discipline at any time after he has been sent up for a University examination, the Superintendent shall report the facts to the Board as soon as practicable for suitable action. The Board may, thereupon recommend to the Executive Council-

- a. that the examination of the student be cancelled; and/or
- b. that he be debarred from every University examination for a specified period.

6. The Executive Council may, after considering such recommendation pass such order as it thinks fit.

7. All questions arising in relation to the interpretation of these Rules, shall be referred to the Board for decision.

8. Decisions of the Board of Residence & Discipline shall be subject to confirmation by the Executive Council and the decision of the Executive Council shall be final and binding.
9. In all matters of discipline not expressly covered by these Rules, the Vice-Chancellor may take such action as he thinks fit.

## **Code of Conduct as laid down in STATUTES:**

### **CHAPTER-VI**

#### **DISCIPLINE AND CONDUCT OF THE EMPLOYEES OF THE UNIVERSITY**

##### **70. Discipline and Conduct of the employees of the University:–**

(1) All employees of the University including teachers, officers and other non-teaching employees shall devote themselves to the duties of their office with utmost diligence and obedience and comply with orders and directions as may be issued by the Vice-Chancellor or any other competent authority.

(2) Every employee of the University shall maintain absolute integrity, and do nothing which is unbecoming of an employee of the University.

(3) No employee shall, in the performance of his official duties or exercise of power conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior which direction should, whenever possible, be recorded in writing.

(4) No employee shall, without express permission of the Vice-Chancellor, engage directly or indirectly in any trade or business what soever or any other work which in the opinion of the Vice-Chancellor may interfere with the proper discharge of his duties, provided, however,

that this clause shall not apply to any work undertaken by any member of the staff in connection with the work of a University or a corporate body other than those engaged in trade and industries.

(5) No employee shall undertake private tuition.

(6) An employee shall undertake part-time teaching assignment in another University/ Institution on a request by such University/ Institution and on the Vice- Chancellor permitting the same.

(7)

In addition to the teaching work and research supervision, a teacher shall be liable to perform such extra-curricular duties, supervision and other work in connection with any examination held by the University as may be allotted to him by the Vice-Chancellor.



- (8) An employee shall require doing extra work as may be assigned to him by the Vice-Chancellor or the Registrar, as the case may be, commensurate to the status and duties of the employees.
- (9) No employee of the University shall join or continue to be a member of an association the objects of which are prejudicial to the interest of the University or public order or morality.
- (10) No employee shall, except with the previous sanction of the appropriate authority, engage in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking or use his position as a University employee to help such business or undertaking. However he may undertake honorary work of a social or charitable nature or; work of a academic, literary, artistic or scientific character, provided that his official duties do not suffer thereby but the appointing authority may, in its discretion, at anytime, forbid him to undertake, or require him to abandon any such work, if it is in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.
- (11) Save in cases mentioned below no employee of the University shall serve in, or give evidence before, any Committee or Commission without obtaining prior permission of the Executive Council:—
- (a) Committee or Commission appointed by the Government, Central or State, the Parliament or the State Legislature;
  - (b) A Judicial enquiry;
  - (c) A departmental enquiry ordered by the Chancellor, the Vice- Chancellor or any appropriate authority of the University.
- (12) No employee of the University shall divulge, either directly or indirectly any official secrecy concerning the University.
- (13) No University employee shall, in any radio/T.V/ Internet broadcast or in any document published/ electronically disseminated anonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterances, make any statement of fact or opinion which brings disrepute to the University, and has the effect of any adverse criticism of any current or recent policy or action of University or of another University or of the Department of Higher Education, Government of West Bengal, and/or which is capable of embarrassing the relations between Universities of the state or country, between the University and its affiliating colleges, and between the University and any department of the Central Government and/or the State Government.
- (14) An University employee whose duties involve the carrying out of scientific or technical research shall not apply for or obtain or cause or permit any other person to apply for or obtain a patent for an invention made by such employee save with the permission of the University and in accordance with such conditions as University may impose. If a question arises whether a University employee's duties involve the carrying out of scientific or technical research within the meaning of this rule, the decision of University shall be final.

(15) No University employee shall behave in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of University. An University employee shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being; not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug; refrain from consuming any intoxicating drink or drug in public place; not appear in a public place in a state of intoxication; not use any intoxicating drink or drug to excess; be in the University premises with possession or use of weapons; and conduct in a fashion that can be construed as sexual harassment of a colleague(s).

(16) Every employee of the University shall not, except with the previous sanction of the appropriate authority, accept it her directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family so to accept from any person any gift of more

than trifling value: Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making/receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts

other than those of a trifling value should be reported to the appropriate authority and the gifts shall be disposed of in such a manner as the appropriate authority may direct; If a question arises whether any gift is of trifling value or not, or where the concerned employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the appropriate authority and the decision of the Executive Council thereon shall be final.

#### 71. Act of Misconduct:—

Any of the following acts, amongst others, of an employee shall be construed to be an act of misconduct:—

- (i) gross negligence in the discharge of duties;
- (ii) Will ful insubordination or disobedience to a reasonable order of a higher authority or breach of discipline;
- (iii) theft, fraud or dishonesty in connection with the property of the University;
- (iv) Misappropriation of University funds;
- (v) tampering with official records;
- (vi) giving false information regarding one's name, father's name, age, qualifications, previous service etc. at the time of employment;
- (vii) habitual late attendance or wilful absence from duty without leave or sufficient causes;
- (viii) taking or giving bribes or any illegal gratifications or indulging in corrupt practices;
- (ix) indecent behaviour or any other act subversive of discipline;
- (x) assaulting or intimidating any employee of the University;



- (xi) sabotage or wilful damage to or causing loss of goods or properties of the University;
- (xii) spreading false information with a view to causing disruption of the normal work of the University;
- (xiii) unauthorized use of land and building of the University;
- (xiv) conviction in a Court of Law for offence involving moral turpitude;
- (xv) breach of rules and regulations, orders and circulars of the University or of any of the higher authorities;
- (xvi) abetment or attempt to commit any of the acts of misconduct;
- (xvii) any other ground which may be considered by the Executive Council to be detrimental to the interest of the University or the institution he is serving;
- (xviii) plagiarism;
- (xix) commission of any offence involving moral turpitude;
- (xx) engaging in any unauthorized work, gainful or otherwise;
- (xxi) engage in sexual harassment of colleagues and students.

#### 72. Disciplinary Action:–

Disciplinary action, including imposition of penalties, may be taken by the Executive Council on being forwarded by the Vice Chancellor against an employee for any of the reasons enumerated under the heading of discipline and act of misconduct.

#### 73. Disciplinary Authority:–

Subject to the provisions hereinafter the Vice-Chancellor of the University shall be the disciplinary authority in respect of employees other than those belonging to the non-teaching staff and in the case of non-teaching staff, the Registrar of the University shall be disciplinary authority provided that the disciplinary authority shall not be entitled to impose any punishment other than “censure to be recorded in his Service Book for future reference” on any employee and in case the disciplinary authority is of opinion that the gravity of offence proved may warrant imposition of any punishment other than “censure to be recorded in his Service Book for future reference”, it shall be the duty of the disciplinary authority to place all papers including the findings of the disciplinary authority on an enquiry, if any, before the Executive Council for passing the final order as the Executive Council may deem appropriate. It shall be for the Executive Council, with two- third majority, in such case to decide whether the finding of the disciplinary authority should be accepted or not.

#### 74. Penalties:–

The following penalties or any of these may be imposed on any employee for misconduct, for good and sufficient reasons and after complying with the procedure laid down hereinafter.

- (i) Censure, recorded in his Service Book for future reference,

- (ii) Withholding of increment or promotion including the stoppage of increment and efficiency bar, if any,
- (iii) Reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing of the future increments of his pay,
- (iv) Reduction to a lower time-scale of pay, grade, post or service which shall not ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions to the restoration to the grade or post or service from which the employee was reduced and his seniority and pay on restoration to that grade, post or service,
- (v) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of order,
- (vi) Compulsory retirement,
- (vii) removal from service, which shall not be disqualification for future employment under the University,
- (viii) Dismissal from service, which shall ordinarily be a disqualification for future employment under the University.

#### 75. Preliminary Enquiry:–

Whenever a complaints made against an employee of the University about the committing of an act of misconduct, it shall be competent for the disciplinary authority described herein before, to carry out a preliminary inquiry before commencing the formal disciplinary proceedings referred to here in above. Such preliminary inquiry may be made either by the disciplinary authority himself or by some other person(s) authorised by the said authority to carry out the inquiry. Such person(s) need not be connected with the University. This preliminary inquiry will be in the nature of a fact finding inquiry for the purpose of enabling the disciplinary authority to ascertain whether there is a prima facie case which will justify the commencement of formal disciplinary proceedings. The disciplinary authority, however, need not carry out such preliminary enquiry, if the said authority does not consider it to be necessary. It shall be competent for the Executive Council, for good and sufficient reason, to direct the Vice- Chancellor or the Registrar to initiate either a preliminary inquiry or formal disciplinary proceedings against any of the employees of the University.

76.

Procedure for Imposing

Penalties:–



(1) No order imposing of the penalties specified in Statute 74 shall be made except after an enquiry held in the manner provided in the Statute.

(2) The disciplinary authority shall draw or cause to be drawn up;

(a) the substance of the imputation of misconduct or misbehaviour into definite and distinct article or articles of charges;

(b) a statement of imputation of misconduct or mis-behaviour in support of each article of charge which shall contain;

(i) a statement of relevant facts including any admission or confession made by the employee;

(ii) a list of documents by which, and a list of witnesses by whom, the article(s) of charge are proposed to be sustained;

(c) the disciplinary authority shall deliver or cause to be delivered to the employee, a copy of the article(s) of charge and the statement of imputation of misconduct or misbehaviour prepared under sub-paragraph-(b) and shall require the employee to submit to the disciplinary authority, or to the enquiring authority where an enquiring authority has been appointed by the disciplinary authority, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person;

(d) the disciplinary authority may in a case for the purpose of enquiry, appoint an Enquiring Authority and forward to it;

(i) a copy of the article(s) of charge and the statement of the imputation of misconduct or misbehaviour.

(ii) a copy of the statement of witnesses, if any,

(iii) evidence proving the delivery of the documents mentioned in sub-paragraph (b)(ii) to the employee;

(e) the employee shall appear in person before the disciplinary /inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles(s) of charge and the statement of imputation of misconduct or misbehaviour as the disciplinary/ inquiring authority may fix by a notice in writing or within such further time as the disciplinary/ inquiring authority may allow;

(f) if the employee who has not admitted any of the article(s) of charge in his written statement of defence appear before the disciplinary/ inquiring authority, such authority shall ask him whether he admits or pleads guilty to any of the articles of charge and shall record the plea, sign the record and obtain the signature of the employee thereon.

Thereupon the disciplinary/ inquiring authority shall return the findings of guilt or otherwise in

respect of these articles of charge to which the employee pleads guilty. The disciplinary/ inquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead guilty or claims to be tried, require the University or its representatives to produce the evidence by which it is proposed to prove the article(s) of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee needs such time for the purpose of preparing his defence;

(g) the employee shall thereafter—

(i) inspect within five working days of the order or within such further time not exceeding five working days as the disciplinary/ inquiring authority may allow, the documents specified in list referred to in clause (b) (ii);

(ii) submit a list of witnesses to be examined on his behalf;

(iii) give a notice within ten working days of the order or within such time not exceeding ten

Working days as the disciplinary/inquiry authority may allow asking for the discovery or the production of any documents which are in the possession of the authority but not mentioned in the list mentioned in clause (b) (ii);

(h) the disciplinary/ inquiring authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept with a requisition for the production of the documents by such date as maybe specified in such requisition:

Provided that the disciplinary/ inquiring authority may, for reasons to be recorded by it, in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case;

(i) on receipt of the requisition referred to in clause-

(h) every authority having the custody or possession of the requisitioned documents shall produce the same before the disciplinary/ inquiring authority:

Provided that if the authority having the custody or possession of the requisitioned documents is of the opinion for reasons to be recorded by it, in writing, that the production of all or any of such documents would be against the interest of the University, it shall inform the disciplinary/inquiring authority accordingly and the disciplinary/ inquiring authority on being so informed communicate the opinion to the employee and withdraw the requisition made by it for the production or discovery of such documents;

(j) The disciplinary/inquiring authority shall allow the employee an opportunity to cross-examine the witnesses, if any, examined on behalf of the University in support of the charge and shall



also allow the employee to examine such witnesses in support of his defence as may be considered relevant in the context of the charge;

(k) after the completion of the inquiry, the disciplinary/inquiring authority shall prepare its report which shall contain the following:—

(a) the article(s) of charge and the statement of imputation of misconduct or misbehaviour;

(b) the defence of the employee in respect of each article of charge;

(c) assessment of the evidence in respect of each article of charge;

(d) the findings on each article of charge and the reasons there for;

(l) in such a case where the disciplinary authority is not authorized to impose the required penalty upon the employee, he shall forward his report

together with records of the disciplinary proceedings to the Executive Council for consideration and necessary action. The Executive Council shall decide provisionally as to the punishment to be imposed upon the employee concerned, if it is proposed to punish the employee with any of the punishments viz. dismissal, removal from service, reduction in rank or in time-scale or grade or compulsory retirement. In all other cases, the Executive Council shall be entitled to pass a final order imposing any of the punishments upon the employee except those mentioned in the forgoing Statutes;

(m) if the inquiry has been conducted by an inquiring authority other than the disciplinary authority, then the inquiring authority shall forward the inquiry report together with the records of the inquiring proceedings to the disciplinary authority and the disciplinary authority shall consider the records of the inquiry and record its findings on each charge and thereafter the procedure mentioned in the sub-paragraph-(l) shall be followed;

(n) if the Executive Council, having regard to the findings on the charges, is of the opinion that any of the punishments mentioned in subparagraph-(l) should be imposed and has recorded the provisional findings in that regard in the manner herein before provided, it shall-

(i) furnish to the employee a copy of the report of the inquiry and a statement of its findings together with brief reasons for Executive Council's agreement, if any, with the findings of the disciplinary /inquiring authority;

(ii) give him a notice stating the punishments proposed and the grounds therefor and calling upon him to submit, within a specified time, such representation as he may wish to make on the punishment proposed, only on the basis of the evidence produced during the enquiry;

(o) the Executive Council shall consider representation, if any, made by the employee in response to the notice under clause (ii) of sub- paragraph (n) and determine the penalty, if any, that should be imposed on the employee and pass such order as it may deem fit;

(p) an order passed by the Executive Council under clause-(o) shall be communicated to the employee in writing by the Registrar;

(q) If more than one employee is involved in the allegations contained in the charge or charges for misconduct, the disciplinary authority may make inquiry in a common proceeding or direct that the inquiry in respect of these employees be held in a common proceeding.;

(r) Any other matter not covered in the Statutes or Ordinances may be dealt with in accordance with the provisions of West Bengal Service Rules, 1971 and the West Bengal Services (Classification, Control and Appeal) Rules 1971, as may be amended from time to time.

#### 77. Special Procedure in Certain Cases:—

Nothing in Statute 76 shall apply in a case where the Executive Council imposes any penalty enumerated in Statute 72 on an employee— (i) on the ground of conduct which has led to his conviction on a criminal charge or on the strength of facts or conclusion arrived at in a judicial trial;

(ii) who has absconded or where for other reasons it is impracticable to communicate with him.

#### 78. Suspension:—

(1) The Executive Council may place an employee under suspension on recommendation of the disciplinary authority, Vice-Chancellor or the Registrar, as the case may be;

(a) where the disciplinary proceedings against him is contemplated for/ pending or;

(b) where a case against him in respect of any criminal offence is under investigation, enquiry or trial.

(2) An employee shall be deemed to have been placed under suspension by an order of the disciplinary authority—

(a) with the effect from the date of detention, if he is detained in police custody on a criminal charge for a period exceeding 48 hours; Notwithstanding the above, appropriate changes, if felt necessary under the circumstance, in 'period/ duration of police custody' can be made by the Executive Council by vide notification in the University Regulation from time to time.

(b) with effect from the date of his conviction, if, upon such conviction, he is sentenced to a term of imprisonment exceeding 48 hours; Notwithstanding the above, appropriate changes, if felt necessary under the circumstance, in 'period/ duration of police custody' can be made by the Executive Council by vide notification in the University Regulation from time to time.

(3) where the penalty of dismissal or removal from service imposed upon an employee, under suspension, is set aside on appeal or on review under this Statute or under any order of the Court of Law and the case is remitted for further enquiry or action with any other direction his suspension shall be deemed to have continued and in force from the date of the original order of the dismissal and shall remain in force until further orders of the disciplinary authority.

(4) During the period of suspension, the employee concerned shall be entitled to a subsistence allowance of an amount equal to one half of his basic pay and allowances in full.



(5) In the event of his suspension being followed by punishment he shall not be entitled to any further emoluments other than what he had already been paid from the date of his suspension unless the Executive Council directs otherwise.

(6) An order of suspension under this Statute shall not be deemed to be or construed as punishment for any purpose whatsoever.

#### 79. Pay and Allowances on Reinstatement:—

When an employee who has been dismissed, removed or suspended is reinstated, the Disciplinary, Appellate or Reviewing Authority, as the case may be, may grant him for the period of his absence from duty

(i) if he is honourably acquitted, the full pay and allowances other than the traveling allowance to which he would have been entitled, if he had not been dismissed or removed or suspended, less the subsistence grant;

(ii) if other wise, such proportion of pay and allowances as the Disciplinary, Appellate or Reviewing Authority may determine;

(iii) In a case falling under clause (i) the period of absence from duty will be treated as a period spent on duty;(iv) In a case falling under clause (ii) the period may be treated as on duty or leave as may be due to him, but it will not be so treated unless the Disciplinary, Appellate or Reviewing authority directs accordingly.

#### 80. Appeal against Order Imposing the Penalties:—

An appeal against the order imposing any of the penalties by the Executive Council except the punishment involving termination of service by way of dismissal or removal or compulsory retirement shall lie to an Appellate Authority to be constituted with three persons by a resolution of the Executive Council. At least one of these three persons shall be an outsider. Such Appellate Authority shall be appointed for such term and on such other terms and conditions with regard to the holding of office by the members of the committee and such staff as the Executive Council may determine by resolution.

#### 81. Appeal against Order of Dismissal/ Removal/ Compulsory Retirement:—

An appeal against the order of dismissal, removal or compulsory retirement shall be made to the Tribunal constituted under the Act.

#### 82. Period of Limitation for Appeal:—

No appeal preferred shall be entertained unless such appeals preferred within the period of ninety days from the date on which a copy of the order, appealed against, is delivered to the employee concerned;

Explanation:—The word 'delivered' in this Statute shall mean and include sending of the order to the employee concerned by registered post with acknowledgment due for a lapse of period of thirty days from the date of posting of the order. If the employee concerned does not otherwise

acknowledge in writing the receipt of the order or if he refuses to accept the order sent by registered post, his appeal shall not be entertained:

Provided that the tribunal or Appellate Authority, as the case may be, may entertain an appeal after the expiry of the said period if sufficient cause for not preferring the appeal in time is shown.

### 83. Procedure of Appeal:—

(1) Every person preferring an appeal shall do so separately and in his own name and shall submit five copies of the appeal.

(2) The appeal shall be presented to the authority to whom the appeal lies and it shall contain all materials statements together with a copy of the order sought to be appealed against and documents on which the appellant wants to relay. The language in the petition of appeal shall not be disrespectful or improper and shall be complete in itself.


(3) The authority which made the order appealed against, on receipt of a copy of the appeal shall forward its comments thereon, if any, together with the relevant records to the Tribunal or Appellate Authority without any delay.

(4) The Tribunal/ Appellate Authority shall regulate its own procedure in the matter of hearing and disposal of the appeal.

### 84. Constitution of Election tribunal:—

There shall be an Election Tribunal comprising the following members;

- (i) a person to be nominated by the Chancellor in consultation with the Minister, as Chairman;
- (ii) one person having knowledge of law to be nominated by the State Government as member; and
- (iii) a person to be nominated by the Vice-Chancellor as member.

  
19/1/21  
PROF. DEB NARAYAN BANDYOPADHYAY  
Vice-Chancellor  
BANKURA UNIVERSITY