



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, मार्च २३, २००७ / चैत्र २, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Bill, 2007 (L. C. Bill No. I of 2007), introduced in the Maharashtra Legislative Council on the 23rd March 2007, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. C. BILL No. I OF 2007.

A BILL

further to amend the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

Bom. WHEREAS it is expedient further to amend the Bombay
LXI of Primary Education Act, 1947 and the Maharashtra
1947. Employees of Private Schools (Conditions of Service)
Mah. Regulation Act, 1977, for the purposes hereinafter
III of appearing; it is hereby enacted in the Fifty-eighth Year
1978. of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2007. Short title.

(१००)

CHAPTER II

AMENDMENTS TO THE BOMBAY PRIMARY EDUCATION ACT, 1947

- Amendment of section 2 of Bom. LXI of 1947. 2. In section 2 of the Bombay Primary Education Act, 1947 (hereinafter, in this Chapter, referred to as "the Bombay Primary Education Act"), after clause (19), the following clauses shall be added, namely:—
- "(20) "shikshan sevak" means a member of base teaching cadre appointed on honorarium and subject to such terms and conditions as specified in the Government Resolution, published in the *Maharashtra Government Gazette, Extraordinary*, No. 12, Part I-Central Sub-Section, dated the 15th February 2007, for eventual appointment as a teacher;
- (21) "teacher" means a member of the teaching staff and includes the head of a school."
- Amendment of section 13 of Bom. LXI of 1947. 3. In section 13 of the Bombay Primary Education Act, in sub-section (2), in clause (d), after the word "teachers," the words "shikshan sevaks," shall be inserted.
- Amendment of section 16 of Bom. LXI of 1947. 4. In section 16 of the Bombay Primary Education Act, in sub-section (2), after the word "teachers" the words "shikshan sevaks" shall be inserted.
- Amendment of section 17 of Bom. LXI of 1947. 5. In section 17 of the Bombay Primary Education Act, in sub-section (1), in clause (c), after the word "teachers," the words "shikshan sevaks," shall be inserted.
- Amendment of section 19 of Bom. LXI of 1947. 6. In section 19 of the Bombay Primary Education Act,—
- (a) in sub-section (1), after the word "teacher" the words "shikshan sevak" shall be inserted;
- (b) in sub-section (3), after the word "teachers" the words "shikshan sevaks" shall be inserted.
- Amendment of section 20 of Bom. LXI of 1947. 7. In section 20 of the Bombay Primary Education Act,—
- (a) in sub-section (1), after the word "Teachers" the words "Shikshan sevaks" shall be inserted;
- (b) in sub-section (2), for the word "pay," the words "honorarium, pay," shall be substituted;
- (c) in sub-section (3),—
- (i) for the word "pay" the words "honorarium, pay" shall be substituted;
- (ii) after the words "school teachers" the words "and shikshan sevaks" shall be inserted.

8. In section 23 of the Bombay Primary Education Act,—
 (a) in sub-section (6), after the word “teachers” the words “and *shikshan sevaks*” shall be inserted;

Amendment of section 23 of Bom. LXI of 1947.

(b) in the marginal note, after the word “teachers” the words “and *shikshan sevaks*” shall be inserted.

9. In section 27 of the Bombay Primary Education Act, in clause (d), after the word “teachers” the words “, *shikshan sevaks*” shall be inserted.

Amendment of section 27 of Bom. LXI of 1947.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS (CONDITIONS OF SERVICE) REGULATION ACT, 1977.

Mah. III of 1978. 10. In section 2 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter, in this Chapter, referred to as “the Employees of Private Schools (Conditions of Service) Regulation Act”),—

Amendment of section 2 of Mah. III of 1978.

(a) in clause (7), after the words “recognised school” the words “and includes *shikshan sevak*” shall be inserted;

(b) in clause (10), after the word “teachers” the words “and *shikshan sevaks*” shall be inserted;

(c) after clause (24), the following clause shall be inserted, namely:—

“(24A) “*shikshan sevak*” means a member of base teaching cadre appointed on honorarium and subject to such terms and conditions as specified in the Government Resolution published in the *Maharashtra Government Gazette*, Extraordinary, No. 12, Part I—Central Sub-section, dated the 15th February 2007, for eventual appointment as a teacher;”.

11. In section 5 of the Employees of Private Schools (Conditions of Service) Regulation Act,—

Amendment of section 5 of Mah. III of 1978.

(a) in sub-section (2), after the words “permanent vacancy” the words “except *shikshan sevak*” shall be inserted;

(b) to sub-section (2), the following proviso shall be added, namely:—

“Provided that, every person appointed as *shikshan sevak* shall be on probation for a period of three years.”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Subject to the provisions of sub-sections (3) and (4), *shikshan sevak* shall, on completion of the probation period of three years, be deemed to have been appointed and confirmed as a teacher.”;

(d) in sub-section (3), after the words “or salary” the words “or honorarium” shall be inserted.

CHAPTER IV

SAVING

Regularisation
of
appointments
of *shikshan*
sevak and
savings.

12. (1) Notwithstanding anything contained in the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, all *shikshan sevak*s appointed in accordance with the provisions of the Government Resolution published in the *Maharashtra Government Gazette*, Extraordinary, No. 12, Part I—Central Sub-Section, dated the 15th February 2007, shall be deemed to have been appointed as base cadre *shikshan sevak* under the said Act, for appointment as teachers on completion of three years service as such *shikshan sevak* rendered heretobefore or heretoafter, as the case may be.

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(2) The terms and conditions prescribed by Government for appointment of *shikshan sevak*, by issuing Government Resolutions, from time to time, before the date of commencement of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2007, shall continue to be in force unless modified or revoked.

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STATEMENT OF OBJECTS AND REASONS.

The Government has introduced the scheme of appointment of "shikshan sevaks" on honorarium basis on the post of teachers since the year 2000. The scheme was introduced as per the directions of the Government of India and on the lines of identical schemes implemented by the State Governments of Rajasthan, Gujarat and Madhya Pradesh.

2. The Scheme is being implemented by issuing Government Resolutions from time to time. As the number of writ petitions challenging the validity of the Scheme on the grounds including that scheme is *ultra vires* of the provisions of the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, the Government has decided to continue the Scheme by suitably amending the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 so as to bring the posts of *shikshan sevaks* under the purview of the said Acts.

3. Hence this Bill.

Mumbai,
Dated the 16th March 2007.

VASANT PURKE,
Minister for
School Education.