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NOTIFICATION

No.F.23015/5/2023-EDN/33-39, the 22nd September, 2023. In exercise of the powers conferred by proviso to article 309 of the Constitution and in supersession of The Mizoram Middle Schools and High Schools (Provincialisation) Rules, 1994, notified in the Mizoram Gazette Extraordinary Issue Number 177 Dt 10th October, 1994 as amended from time to time except in respect of things done or omitted to be done before such supersession, the Governor of Mizoram hereby makes the following rules, namely:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT.-

- (1) These rules may be called the **Mizoram School Education Department (Terms and condition of appointment of teaching and non-teaching staff of provincialised school) Rules, 2023.**
- (2) They shall extend to the whole State of Mizoram except the elementary schools in the Autonomous District Councils.
- (3) They shall come into force on the date of publication in the Official Gazette

2. DEFINITIONS.-

In these rules unless the context otherwise requires:-

- (a) "effective date" means the date on which the order for provincialisation of school comes into force;
- (b) "Government" means the Government of Mizoram in competent department;
- (c) "Managing Committee" means a Managing Committee constituted under School Education Department's Grants-in-aid Rules and duly approved by the competent authority;
- (d) "Non-teaching Staff" means Group 'C' and 'D' staff whose appointment has been approved by the competent authority stated in the relevant Grant-in-Aid Rules.
- (e) "Past Service" means the period of continuous service of an employee of the respective Adhoc Grants-in-Aid School counted from the date on which the service has been approved by the competent authority stated in the relevant Grant-in-Aid Rules.
- (f) "Teaching Staff" means a teacher of the Middle Schools, High Schools and Higher Secondary Schools and includes Principals, Headmasters and Teachers whose appointment has been approved by the competent authority stated in the relevant Grant-in-Aid Rules.

3. MODE OF APPOINTMENT OF TEACHING AND NON-TEACHING STAFF OF PROVINCIALISED SCHOOLS.-

All existing teaching and non-teaching staff on the effective date of provincialisation not exceeding the limit prescribed by Rule 6 (a) to (e) of the Mizoram Aided Schools (Recurring and Non-Recurring Grants-In-Aid) Rules, 1990 shall be absorbed in Government service in suitable ranks or grades with effect from the said date, subject to suitability for appointment in Government service as per the eligibility prescribed by the Recruitment Rules in force at the time of their initial appointment, as may be determined by the competent Departmental Promotion Committees constituted for various categories of Government employees by the Government of Mizoram. The incumbents absorbed into government service shall be deemed to be employees of the Government with effect from the date of provincialisation of the schools.

- (i) **PRINCIPALS:** The existing Principals shall be absorbed as Lecturer in their respective provincialized schools or other provincialized schools or other vacant post of existing Government Higher Secondary Schools according to their specialised subject, as the case may be. All posts of Principals shall be filled by promotion of the eligible lecturers of the Govt. Higher Secondary Schools in accordance with Recruitment Rules/Service Rules in force on the effective date.
- (ii) **HEADMASTERS:** The number of Headmasters to be absorbed shall be as decided by the government. All posts of Headmasters arising from provincialisation of schools which are not filled up by existing Headmasters shall be filled by promotion of the eligible Teachers of the Govt. Middle School or High Schools as the case may be, in accordance with Recruitment Rules/Service Rules in force on the effective date.

4. SERVICE CONDITIONS FOR PRINCIPALS, HEADMASTERS, TEACHERS AND OTHER EMPLOYEES OF PROVINCIALISED SCHOOLS.-

- (a) The teaching and the non-teaching staff of the provincialized schools so absorbed in the Government service shall be on probation for a period of 2(two) years from the date of absorption. After completion of a period of 2(two) years of probation, they shall be considered for confirmation into govt. service. They shall continue to draw pay and allowances admissible under rules 6 of the Government of Mizoram Education and Human Resources Development Department Adhoc Recurring Grants-in-Aid for General Maintenance of Schools Rules, 1997 during the period of probation. Further, increment shall be granted after completion of their probation period and shall be admissible with effect from completion of 6(six) months from the date of absorption by following the normal date of increments i.e. 1st July or 1st January.
- (i) **PRINCIPALS:** The pay of existing Principals who are absorbed as lecturer shall be fixed as Selection Grade Lecturer at Level-11 corresponding to existing basic pay admissible to them immediately before the date of provincialisation of the school. They shall also be entitled annual increment granted to them on the same date as were admissible to them immediately before the date of provincialisation of the school.
Illustration : A Principal in the Higher Secondary School who is drawing a pay of Rs. 95,200/- in Level-11A of the Pay Matrix is absorbed as Lecturer in the Government Higher Secondary School, his present pay shall be protected and he shall be placed at a Cell equal to his present pay (i.e Rs. 95,200/-) in the Level-11 or the next higher cell, if no such cell is available in the Level-11 as the case may be, from the date of provincialisation.

- (ii). **HEADMASTERS:** The Headmasters who are absorbed as teacher shall be placed at the grade corresponding to their respective existing pay admissible to them immediately before the date of provincialisation of the school. They shall also be entitled to be granted annual increment on the same date as were admissible to them immediately before the date of absorption to the Government service

Provided that the pay of Headmasters of Middle School who already enjoyed Selection Grade and the Headmasters of Govt. High School who already enjoyed Senior and Selection Grade shall be fixed as Selection Grade Teacher of Middle School and High School respectively and they shall be placed at a cell equal to the existing pay admissible to them immediately before the date of absorption to the Government service.

Illustration 1 : A Headmaster in a Middle School or High School who is drawing a pay of Rs. 75,000/- in Level-10A of the Pay Matrix is absorbed as Teacher in the Government Middle School or High School as the case may be, he shall be placed at a Cell equal to his present pay (i.e Rs. 75,000/-) in the Level-10 or the next higher cell, if no such cell is available in the Level-10 as the case may be, from the date of provincialisation. In this case, as there is no a cell in Level 10 equal to his existing pay in level 10A, his pay shall be fixed at the next higher cell in level 10 i.e. Rs. 75,400/-

Illustration 2: A Headmaster in a High School who is drawing a pay of Rs. 74,000/- in Level-11 of the Pay Matrix is absorbed as Teacher in the Government High School, his present pay shall be protected and he shall be placed at a Cell equal to his present pay (i.e Rs. 74,000/-) in the Level-10 or the next higher cell, if no such cell is available in the Level-10 as the case may be, from the date of provincialisation. In this case, as there is no a cell in Level 10 equal to his existing pay in level 11, his pay shall be fixed at the next higher cell in level 10 i.e. Rs. 75,400/-

- (b) The pension and other retirement benefits of any teaching and non-teaching staff of the schools provincialized under these rules shall be governed by the relevant Pension Scheme/Rules in force at the time of absorption to the Government service. Counting of past service rendered as employee of adhoc Grants-in-Aid school shall be governed by the Mizoram Government Employees (Counting of Past Service)Rules, 2020 notified in the Mizoram Gazette Extraordinary Issue Number 319 Dt 29.05.2020 as amended from time to time.
- (c) Immediately from the date of absorption of any teaching and non-teaching staff of the school provincialized under these rules, all matter relating to the appointment, confirmation, retirement, superannuation pension, gratuity etc. in respect of them shall be governed by the existing Government rules and instructions issued thereon from time to time.

5. **FIXATION OF SENIORITY.-**

- (a) The inter-se-seniority in the services of the teaching and non-teaching staff of the provincialized school shall be counted from the date of absorption in the Government service and shall be determined in accordance with the order of their selection by Mizoram Public Service Commission, Mizoram Subordinate Services Selection Board or Departmental Promotion Committee, as the case may be.

(b) The list of eligible candidates to be placed for consideration of the MPSC/MSSSB/DPC for absorption in the Government service shall be arranged in order of the seniority in the past service immediately preceding the provincialisation of the concerned school (i.e. based on the date of entry as teaching and non-teaching staff in the respective Adhoc Grants-in-Aid schools approved by the competent authority); if two or more staff entered the school on the same date, their names shall be arranged in order of their age i.e candidate having higher age will come before the candidate with lower age. The Headmaster of the school absorbed as teacher shall be placed above all the teachers who were absorbed on the same date.

- (c) (i) **PRINCIPALS:** The Principal who is absorbed as Lecturer/Teacher shall be placed above all the Lecturers who are absorbed on the same date.
 (ii) **HEADMASTERS:** The Headmaster who is absorbed as Teacher shall be placed above all the Teachers who are absorbed on the same date.

In case two or more schools are provincialized at the same date, the seniority among those Principals and Headmasters shall be arranged in order of the date of entry as Principal/ Headmaster in their respective Adhoc Grants-in-Aid Schools.

(d) The teaching and non-teaching staff absorbed in the Government service shall be bunched together at the bottom of the seniority list, below the last position of all existing regular incumbents in the respective corresponding posts under the Government.

6. OVERAGE CONDONATION.-

The age of teaching and non-teaching staff of the provincialized school, while considering for absorption in the Government service, shall be deemed to be condoned by the Government if the employee at the time of initial appointment in the respective Adhoc Grants-in-Aid school was not overaged as per the age limit prescribed by the Rules at the time of initial appointment but overaged as on the date of the meeting of the MPSC/MSSSB/DPC which considered the case for such absorption.

In case, any teaching staff had subsequently been appointed as Principal or Headmaster in the same Ad-hoc Grants-in-Aid school without break in service, His/Her date of appointment as teaching staff shall be construed as date of initial appointment.

7. INTERPRETATIONS.-

If any question arises as to the interpretation of any of these rules, it shall be decided by the Government.

8. POWER TO RELAX.-

Where the Government is of the opinion that it is necessary or expedient so to do, it may by Order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons;

Provided that the power shall not be exercised capriciously or arbitrarily to give undue advantage or favour to an individual.

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