

PROCEEDINGS OF THE MEETING HELD ON 27.08.2020

A meeting of the Authority was held in the Chamber of Hon'ble Mr. Kishore K. Mandal, Chairperson (J) to decide and take follow-up actions, pursuant to the framing of new Rules called as "The Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020 (hereinafter referred to as Rules, 2020). It came into force, vide Memo No. 07/Pradhi-4/2016 715 dated 25.08.2020 i.e the date of its Notification. In the light of the new Rules, 2020, the following decisions were taken:-

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Regarding holding of physical court	It has already been decided and notified that from 03.09.2020, physical court will be held in place of virtual court, observing necessary protocols like social distancing and putting on mask on the face. But this decision will be subject to the order passed by Hon'ble Patna High Court on 02.09.2020 on which date the Hon'ble High Court will be pleased to review the situation and accordingly pass order thereon. Therefore, it is advisable to await the decision of the Hon'ble High Court, which is binding on all Courts in the State of Bihar.	
'Scope and distribution of work between the presiding officers/ Chairman of the Appellate Authority	The new Rules, 2020 framed by the Government has enlarged the jurisdiction of the State Appellate Authority as per which the private Schools constituted under Bihar Private Schools (Fee Regulation) Act, 2019 are also amenable to the jurisdiction of this Authority. Rule 14 (D) specifically speaks that "the Authority shall hear the appeal against the decisions of the Divisional Level Fee Regulation Committee constituted under Bihar Private Schools (Fee Regulation) Act, 2019".  So far the distribution of works between the Chairpersons is concerned, in view of new Rules, 2020, the constitution of Bench has to be regulated afresh by the Authority in consultation with the department. In this regard, the decisions relating to constitution of Bench or distribution of works so taken are as under:-	

Constitution of Bench	(i) To hear disputes and complaints pertaining to procedure of recruitment under Panchayat Raj Institutions and Urban Body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per provisions /rules notified by the Govt. of Bihar from time to time.	S.B.
	(ii) To hear the disputes and complaint pertaining to recruitment of Headmaster/Teacher/Non-teaching Staffs and promotion to the post of Headmaster by the Managing Committee of 108 Govt. Aided Elementary Schools (including Minority Schools) in which education is imparted up-to 5 <sup>th</sup> or 8 <sup>th</sup> standard.	S.B.
	(iii) To hear the disputes and complaints pertaining to process of recruitment and distribution of Grants-in-Aid with respect to Aided /permission for Establishment / Recognized Secondary and Senior Secondary Schools and Aided Colleges.	D.B.
	(iv) To hear the disputes between the Headmaster/Teaching/Non-Teaching staffs and the Managing Committee of Private Schools.	D.B.
	(v) To hear such disputes pertaining to Headmasters/ Teachers/Non-teaching staffs working under Panchayati Raj Institutions and Urban Body Institutions in Govt. /Nationalized Primary and Middle School, Secondary School, Senior Secondary Schools, who, in case of being aggrieved by execution of the service conditions, as prescribed, may prefer appeal against the decision of the competent authority/committee	S.B.
	(vi) To hear the disputes of execution of service condition of Headmasters / Teachers /non-teaching staffs of Govt. aided 108 elementary Schools (including Minority Schools) in which education in which education is imparted up-to Standard 5 <sup>th</sup> or	

	8 <sup>th</sup> and in case of any appeal being preferred by the Head Master /teachers /non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.	S.B.
	(vii) To hear the disputes pertaining to execution of service condition of Principal / Vice-principal /Assistant/Assistant Principal /Headmasters /Teachers/Non-teaching staffs of Aided, Permission for establishment, Recognized Secondary /Senior Secondary Schools and Aided Colleges and in case of any appeal being preferred by the concerned Principal / Vice-principal / Assistant Principal / Headmaster /Teacher/Non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.	D.B
	(viii) The presiding officer of the Authority, after making necessary verification and after hearing the parties, shall pass the order to dispose of the disputes / complaints.	The presiding officer will be as per the constitution of Bench.
Regarding the fate of Anudanit (Grants-in-Aid) matters.	In the light of new Rules, 2020, no fresh filing of Anudanit case shall be accepted in the Authority. The State Appellate Authority shall hear the appeal against the decision of the District Appellate Authority. From now on, the appropriate forum for such cases is the District Appellate Authority. Regarding the fate of such pending cases, it was decided that all pending Anudanit cases which were till now heard directly by the State Appellate Authority shall be listed on 1 <sup>st</sup> , 2 <sup>nd</sup> 3 <sup>rd</sup> Thursday of the month for passing appropriate order.	
Power of Review	Under Rule 15 of the new Rules, 2020, the power of Review of its own order has been vested in the State Appellate Authority, as per which the Authority will have jurisdiction to review its own order in case review of order is sought. In order to meet this Rules, it has been decided that the party or parties, if aggrieved by any error apparent on the face of the record, may seek review of the	

	order. Such Review Application, in the first instance, shall be placed before the Hon'ble Chairperson passing the original order by circulation. If the Review Application merits preliminary hearing, the same may be ordered to be listed for hearing in the bench.	
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Sd/-  
(Umesh Narayan Panjiar)  
Chairperson and Member (A)

Sd/-  
(Kishore K. Mandal)  
Chairperson and Member (J)

Memo No. SAA/MGT-26/2016 II/ -316, Patna, dated -07-9-2020  
2020.

Copy to:

All the concerned officers and the personnel of State Appellate Authority  
for information and necessary action.

  
07.09.2020  
Secretary