

**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HIGHER EDUCATION, SCIENCE &
TECHNOLOGY AND BIOTECHNOLOGY
(C. S. BRANCH)
BIKASH BHABAN, SALT LAKE CITY,
KOLKATA-700091**

No. 171 -Edn (CS)/ 2L-37/2017

Date: 15.02.2018

ORDER

The West Bengal Universities and Colleges (Administration and Regulation) Act, 2017 has come into effect from 1st April, 2017. The provisions of sub-section (4) of section 10 of the said Act empower the State Government to prescribe the terms and conditions of service of all employees of Government-aided Colleges of West Bengal. Further the provisions of section 22 of the Act have saved all Orders/ Notification/ Rules issued by the State Government which were issued before the enactment of the Act. The provisions of section 21 of the said Act also override any earlier Act which deals with the similar subject matter.

It is now clarified, that the Uniform Leave Rules issued by this Department vide No. 762-Edn (CS) dated 03.12.2008 regulating the leave and related matters of the teachers and other academic staff of Government-aided Colleges are very much effective and there is no need of incorporating the same in the Statutes of the Affiliating Universities, since, the subject matter prescribing terms and conditions of service of the employees of Government-aided Colleges is no longer the subject of the Statutes of the affiliating Universities and the Uniform Leave Rules issued by this Department are in no way inconsistent or contradictory to the provisions of the above mentioned Act.

Hence, in this regard, I am directed to say that all concerned should follow the Uniform Leave Rules prescribed under this Department's Notification No. 762-Edn (CS) dated 03.12.2009 without insisting on the incorporation of the same in the Statutes/ Ordinances/ Regulations of the affiliating Universities.

In this connection, I am also directed to say that all State-aided Universities having provisions for making Statutes/ Ordinances/ Regulations, for prescribing Leave Rules for employees of affiliated colleges, shall remove the provisions from their Statutes/ Ordinances/ Regulations, as the case may be, by way of amending the same, i.e. Statutes/ Ordinances/ Regulations, as the case may be.

By order of the Governor,



Secretary
Government of West Bengal

Government of West Bengal
Higher Education Department
C.S.Branch
Bikash Bhawan, Salt Lake, Kolkata-700 091.

No. : 762-Edn(CS)
2L-10/08

Dated, Kolkata, the 3rd December, 2009.

MEMORANDUM

The question of uniform leave rules for the whole time teachers of Govt. aided including erstwhile sponsored colleges in the State has been under consideration of the Government for some time past. The West Bengal State Council of Higher Education has made certain recommendations in respect of uniform leave rules for the whole time teachers of the Govt. sponsored colleges in the State.

2. After careful consideration of the matter the Governor has been pleased to accept the recommendations with some modifications and approve the benefits as incorporated in the annexure in respect of whole time teachers of Govt. sponsored colleges in the State.
3. Concerned Universities will make amendments in their Statutes where necessary for incorporation of the provisions of this Memorandum.
4. Any difficulty, which may arise in implementing the provisions of this order, may be referred to this Department for clarification and/or order.
5. This order issues with the concurrence of Finance Deptt. vide their U.O.No. 4095 Group-P (Service), dated 02.12.09.
6. All concerned are being informed accordingly.

Sd/- M.Chakravarty,
Joint Secretary.

No. : 762(15)-Edn(CS).

Dated, Kolkata, the 3rd December, 2009.

Copy forwarded for information and necessary action to the :-

1. Accountant General (A&E), West Bengal.
2. Finance Deptt. of this Government.
3. Director of Public Instruction, West Bengal.
4. Registrar, Calcutta University, Senate House, College Street, Kol-700 073.
5. Registrar, Burdwan University, Rajbati, Burdwan, Pin-713 104.
6. Registrar, Vidyasagar University, P.O. Vidyasagar University, Dist. Paschim Medinipur, Pin-721 102.
7. Registrar, Kalyani University, Kalyani, Nadia, Pin-741 235.
8. Registrar, Gour Banga University, Malda College, P.O. Malda, Dist. Malda, Pin-732 101.
9. Registrar, West Bengal State University (Barasat, North 24 Parganas), Barasat Govt. College, P.O. Barasat, Dist. North 24 Parganas, Pin-743 201.
10. Registrar, North Bengal University, Raja Rammohanpur, P.O. North Bengal University, Dist. Darjeeling, Pin-734 430.
11. Member-Secretary, West Bengal State Council of Higher Education, 147A, Rash Behari Avenue, Kolkata-700 029.
12. Computer Cell of this Department.
13. P.S. to the M-I-C, H.E.Deptt.
14. P.A. to the Principal Secretary, H.E.Deptt.
15. Guard file.

M. Chakravarty
Joint Secretary.

ANNEXURE

Leave Rules for Teachers of Govt. sponsored Colleges in the State.

1. These leave rules are applicable to all teachers of govt. aided including erstwhile sponsored colleges in the State.
2. Leave of absence from duty can not be claimed as a matter of right and may, on application by a teacher of a college/Principal, be granted only when satisfactory grounds have been shown. When the exigencies of service so require, the authority competent to grant leave of any description or any such leave is granted, revoke such leave or part thereof.
3. No teacher who is under suspension shall be granted any leave.
4. Absence without leave shall render a teacher/Principal subject to such disciplinary action as provided in the Statute/Act/Regulations of the concerned Universities under which a college is affiliated.
5. All applications of leave or for extension of leave shall be made in writing and addressed to Principal/President of the Governing Body in case of Principal and sanction for the leave or extension of leave as the case may be, applied for shall be obtained before it is availed of ;
Provided that if the authority competent to grant leave, is satisfied that it was not possible to apply for or obtain the sanction for leave of absence beforehand leave may be granted with retrospective effect ; but all applications of leave with retrospective effect shall be filed at the earliest possible opportunity.
6. Leave ordinarily shall commence on the date with effect from which it is actually availed of and terminate on the date preceding the date of resumption of duty provided that Sundays are holidays may be prefixed or suffixed to leave, so however for the purpose of prefixing or suffixing to leave holidays exceeding three days ; previous sanction of the authority competent to grant the leave shall be obtained.
7. No teacher on leave shall return to duty before the expiry of leave granted to him/her, without permission of the leave sanctioning authority.
8. If a teacher of a college is absent from duty on all the days of a week on which he/she has been assigned duties, whether such days are consecutive or not, he/she shall be deemed to be absent from duty for the whole of the week.
9. No leave shall be credited in the leave account of a teacher after he/she retires on superannuation or retires voluntarily or resigns.
10. The Principal/The President of the Governing Body may recall the teacher/the Principal at any time as the case may be who may be on leave except on medical ground and when the teacher/the Principal is so recalled to duty he/she shall be granted such travelling allowances as the Principal/the President may consider reasonable.
11. If the teacher of a college has been granted leave to which holidays have been suffixed or prefixed and such the Principal/teacher absents himself/herself from duty beyond the expiration of such holidays shall be treated as absent from duty without leave and he/she shall not be entitled to his/her salary or allowances for such period unless and until the Governing Body otherwise directs.
12. Subject to the foregoing general principles "leave" shall mean (i) Casual Leave, (ii) Earned Leave, (iii) On Duty Absence, (iv) Study Leave, (v) Special Study Leave, (vi) Maternity Leave, (vii) Quarantine Leave, (viii) Medical Leave/Half Pay Leave, (ix) Commuted Leave, (x) Extraordinary Leave, (xi) Compensatory Leave (xii) Leave Not Due (xiii) Special Disability Leave.

(A) CASUAL LEAVE :

- (i) Casual Leave on full pay may be allowed to Principal/Teacher of a college upto a maximum of 14 days in any one calendar year but not more than 4 days at a time.

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(ii) Casual Leave can not be combined with any other kind of leave or Puja holidays, but can be prefixed and or suffixed to Sundays and other holidays, provided such leave shall not exceed 7 days at a time including Sundays and Holidays.

(iii) All casual leave to which any teacher of a college may be entitled during any calendar year shall cease to be due to him at the end of such calendar year and can not be accumulated or taken over or brought forward to any other calendar year.

(iv) A teacher on casual leave shall not be treated as absent from duty.

(B) EARNED LEAVE :

i) Earned Leave is the leave which is earned by a teacher by discharge of duties for a certain period as mentioned herein below and granted to him/her at the discretion of the authority granting such leave. Unless otherwise compelled by exigencies of circumstances, in all case applications for earned leave shall be made at least seven days prior to the date on which the concerned teacher proposes to proceed on leave for twenty days or more. Prior sanction should be obtained before leaving station and/or proceeding on leave as well as for extension of leave even if the period of leave applied for is less than twenty days.

ii) Earned leave admissible to a teacher shall be $1/3^{\text{rd}}$ of the period, if any, during which he/she is required to perform duty during vacation by the college authority or equal to one eleventh of the period spent on actual service in a non-vacation department subject to a maximum of thirty days in a calendar year provided that the upper limit of accumulation of earned leave shall be 300 (three hundred) days and the maximum period of earned leave that may be granted at a time shall not normally exceed sixty days. Earned leave exceeding sixty days but not more than 180 days at a time may be sanctioned in case of higher study/training /leave with medical certificate.

iii) Earned leave can be combined with any other kind of leave except casual and quarantine leave.

iv) Earned Leave is admissible with full pay and allowances.

(v) When a teacher moves from one college to another on lien or otherwise, his/her accumulation of earned leave/half-pay leave in the new college will be as per previous accumulation of leave i.e. in other words his/her leave account will be a continuous procedure.

(C) ON DUTY ABSENCE :

(i) Absence from duty of a teacher with the permission of the Principal of the college and in case of the Principal, the permission of the Governing Body, on account of duties assigned by the Government or any constitutional authority or the college or the Public Service Commission or the College Service Commission or the School Service Commission etc. or on account of obligations in regard to the NCC or the Social Service Camps and similar other obligations shall be deemed to be on duty absence and shall not be counted towards casual or earned leave.

(ii) On duty absence is admissible with full pay and allowance.

(D) STUDY LEAVE :

(i) Study leave for advanced study and research directly related to his/her work in the College may be granted to a teacher by the Governing Body of the college subject to approval of the Higher Education Department provided the concerned teacher has put in at least three years continuous service and is not due to retire there from within five years of her/her return from such leave. There shall be a gap of at least three years between two periods of such leave.

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The amount of scholarship, fellowship or other financial assistance that the concerned teacher, granted study leave, has been awarded will not preclude his/her being granted study leave with pay and allowances provided the scholarship etc. so received shall be taken into account in determining the pay and allowances on which the study leave may be granted as per norms of the University Statutes/Regulations/Guidelines of the U.G.C.

(ii) An application of study leave with particulars of international assignments, Scholarship/Fellowship of financial assistance including travel grant, if any statement of nature of works enclosed with supporting documents has to be submitted ordinarily two months before the applicant intends to avail of such leave.

(iii) Study leave on full pay (without allowances in India and with Dearness Allowances outside India) may be granted for a maximum period of twelve months at any one time and twenty four months in all during the entire service period. However, such leave may not be granted by the Syndicate/Executive Council/Governing Body in case the number of teachers sanctioned study leave in any department in any given period is likely to affect the academic programme of the concerned department.

(iv) A teacher granted study leave shall on his/her return and re-joining the service of the college may be eligible to the benefit of the annual increment(s) which he/she would have earned in course of time if he/she has not proceeded on study leave. No teacher shall however, be eligible to receive arrears of increments.

(v) Study leave shall count as service for Pension/Contributory Provided Fund, provided the teacher joins the college on the expiry of his/her study leave.

Study leave granted to a teacher shall be deemed to be cancelled incase it is not availed of within 12 months of its sanction. Provided that where study leave granted has been so cancelled, the teacher may apply again for such leave.

(vi) A teacher availing himself/herself of study leave shall submit a written undertaking that he/she shall serve the college for a continuous period of at least three years to be calculated from the date of his/her resuming duty after expiry of the study leave failing which they shall have to refund the emoluments received from the Government/college/UGC during the period of study leave.

(vii) After the leave has been sanctioned, the teacher shall before availing himself/herself of the leave execute a bond in favour of the college binding himself/herself for the due fulfillment of the conditions laid down in sub clause above.

(E) SPECIAL STUDY LEAVE :

(i) A whole time teacher of a college may be granted leave with full pay and Dearness allowances for pursuing study or research in an institution considered by the Governing Body of the college as suitable for the purpose subject to approval of the Higher Education Department, for such period ordinarily not exceeding 12 months during the whole period of his/her service, provided that the concerned Teacher has put in at least 2 years of continuous service and not to retire therefrom within 3 years of his/her return from such leave.

Provided that any application for special study leave with particulars of institutional assignments, financial assistance inclusive travel grants, if any, with supporting documents should be submitted to the Governing Body at least one month before the start of the leave applied for.

(ii) The Teacher of a college shall furnish an undertaking that he/she shall serve the college for at least 3 years on his/her return from study leave on such terms and conditions as the college may decide failing which he/she shall be required to refund the amount paid to him/her as leave salary for the period of Study Leave ;

Provided that if the concerned employee is receiving any pay, allowance, stipend, scholarship, fellowship from any source other than the college while on study leave, leave salary shall be reduced to the extent as followed in case of University teachers.

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(F) MATERNITY LEAVE :

(i) Maternity leave with full pay and allowances may be granted to a whole time lady teacher on full pay for a period not exceeding 135 days including the period of confinement as per advice of a registered medical practitioner.

(ii) Maternity leave, combined with any other kind of leave may be granted only if the application is supported by a medical certificate signed by registered medical practitioner.

(iii) Maternity leave may also be granted to a lady teacher of a college on full pay in cases of miscarriage including abortion subject to the condition that such leave shall not exceed 6 weeks and the application for leave shall be supported by a medical certificate signed by a registered medical practitioner.

(iv) Maternity leave shall not be debited to leave account.

(v) In case of legal adoption of a child as per prescribed norms of the Government from time to time child adoption leave may be allowed to a female teacher as per existing govt. rules.

(G) QUARANTINE LEAVE :

Leave of absence from duty may be granted to a teacher of a college on full pay when he/she is ordered by the Principal of the college, in case of the Principal by the President of the Governing Body, not to attend his/her duties on account of the presence of any infectious disease in family or household. Such leave may be granted with full pay and allowances, on a certificate signed by a registered medical practitioner for a period not exceeding 21 days or in case of exceptional circumstances 30 days. Such leave shall be called quarantine leave and may be combined with any other kind of leave except casual leave. Quarantine leave shall not be debited to leave account.

(H) MEDICAL LEAVE/HALF PAY LEAVE :

(i) A Teacher shall be entitled to Half Pay Leave for 20 days in respect of each completed year of service. This leave may be granted on production of certificate from a qualified registered medical practitioner or on private affairs.

(ii) Half Pay Leave may be combined with any other kind of leave except casual and quarantine leave.

(iii) Maximum period of accumulation of such leave will be 720 days.

(I) COMMUTED LEAVE :

(i) A Teacher shall be entitled to commute the half pay leave that he/she has earned to full pay leave on medical ground subject to production of a certificate from a registered medical practitioner.

Provided that when commuted leave is granted, twice the such number of half pay shall be debited against the leave account, provided also that total commuted leave may be granted not exceeding 180 days during the whole service period of the employee.

ii) Half Pay Leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course certified to be in the interest of the college by the Governing Body.

(iii) Commuted leave may be combined with any other kind of leave except casual and quarantine leave.

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(J) EXTRAORDINARY LEAVE :

(i) Extraordinary leave without pay and allowances may be granted to a Teacher in special circumstances.

- (a) When no other leave is admissible to him/her, or
(b) When the other leave is admissible, but still he/she applies in writing for the grant of extraordinary leave.

(ii) Except in case of a permanent teacher, the duration of extraordinary leave shall not exceed 3 months on any one occasion.
Provided that

- (a) When such a teacher is undergoing treatment for tuberculosis in a recognized hospital or at an approved sanatorium or at his/her residence under a specialist recognized as such by the Governing Body OR for leprosy in a recognized leprosy institution by a Medical Officer of Health Deptt. or a specialist in Leprosy recognized as such by the Governing Body ; he/she may, subject to such conditions as may be prescribed, be granted extraordinary leave for a period not exceeding 12 months.

NOTE (1) : The concession of extraordinary leave upto 12 months under the proviso above would be admissible to a teacher if he/she produces a certificate signed by the Superintendent of the hospital or the specialist, as the case may be, to the effect that he/she has reasonable prospect of recovery on the expiry of the leave recommended.

NOTE (2) : The concession of extraordinary leave under the proviso above will be admissible only to those teachers who have been in continuous service for a period exceeding one year.

(iii) The authority empowered to grant leave may commute retrospectively period of absence from duty without leave into extraordinary leave.

(K) COMPENSATORY LEAVE :

(i) Any teacher of a college who may be required, in the interest of the college, to work during holidays shall be entitled to compensatory leave for an equal number of days for which he/she is required to work during the holidays.

(ii) There will be no accumulation of such compensatory leave and it is to be availed within 3 months from the date of accrual.

(L) LEAVE NOT DUE :

'Leave not due' with half pay may be granted by the Governing Body to a Teacher/Principal for a period not exceeding 360 days during the entire period of service, out of which not more than 90 days at a time and 180 days in all may be otherwise thereon medical ground. Such leave shall be debited against the half pay leave earned by him/her subsequently. 'Leave not due' generally shall be granted in exceptional cases of illness.

'Leave not due' shall not be granted unless the Governing Body is satisfied that as far as can reasonably be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.

A teacher to whom 'Leave not due' is granted shall not be permitted to tender his/her resignation from service so long as the debit balance in his/her leave account is not wiped off by active service or he/she refunds the amount paid to him/her as pay and allowances for the period not so earned. In a case where retirement is unavoidable on account of reason of ill health, incapacitating the teacher for further service, refund of leave salary for the period of leave still to be earned may be waived by the Governing Body.

Provided further that the Governing Body may in any other exceptional case waive, for reason to be recorded, the refund of leave salary for the period of leave still to be earned.

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(M) SPECIAL DISABILITY LEAVE :

(i) A teacher who is disabled by injury accidentally occurred in consequence of due performance of his/her official duties or by illness incurred on the performance of any particular duty which has the effect of increasing his/her liability to illness or injury beyond the ordinary risk attaching to the post may be allowed special disability leave on full pay and allowances for a maximum period of 24 months during the whole course of service.

(ii) Special Disability Leave may be combined with any other kind of leave except casual leave.

(iii) The concerned teacher is entitled to normal annual increment in time scale pay during such leave of absence.

(iv) Special disability leave shall not be granted unless the disability manifested itself within 3 months of occurrence to which it is attributed and teacher disabled acted with due promptitude in bringing notice of the appropriate authority.

(v) Such leave shall be granted only on the recommendation of a Medical Board and such leave in no case should exceed 24 months.

(vi) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date but not more than 24 months.

(vii) Since Special Disability Leave is granted owing to an injury caused during due discharge of official duty of a teacher concerned the appropriate leave sanctioning authority should be satisfied first as to the cause of accident which sustained him/her the injury for the entitlement of such leave.

(viii) Leave salary during such leave shall be with full pay and allowances for the first 120 days and half pay for the remaining period.

13. At the request of a Teacher of a college the Governing Body of the college may, by order, convert any kind of leave already granted into leave of a different kind, which may be admissible, with effect from such date as may be specified in the order, but a teacher shall not be entitled to claim such conversion of leave as a matter of right.

If one kind of leave is converted into another, the amount of leave salary admissible shall be recalculated and the arrears of leave salary shall be paid to, or, as the case may be amounts overdrawn shall be recovered from the employee concerned.

14. Except as otherwise provided in this order any kind of leave may be granted in combination with or in continuation of any other kind of leave.

15. Every Teacher shall be entitled to leave salary of the earned leave accumulated at his/her credit after cessation of his/her service by way of retiring on superannuation, voluntary retirement or death in harness provided the maximum number of accumulated leave and maximum of leave encashable shall be 300 days.

The leave salary shall be calculated on the rate of pay drawn by a teacher of a college on the day preceeding that on which the leave commences unless otherwise determined by the Governing Body. Leave salary on retirement, voluntary retirement or death in harness shall be calculated on the basis of the pay drawn on the day preceeding the date of retirement or death as the case may be.

16. A leave account shall be maintained by the Principal of the college for every teacher and Principal thereof but any leave granted under provisions 12(C) to 12 (F) of this Memorandum shall not be debited to such account.

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The leave account of every teacher shall be credited with earned leave, in advance, in a single installment of 15 days on the first day of July for the first seven years of service and two installments of 15 days each on the first day of July and January of every academic year from the eighth year of service onwards. And as such the earned leave may be credited at the rate of two and a half days for each completed calendar month for those who have completed seven years of service and at the rate of one and one-fourth day for those who are in the first seven years of service. Ultimate fraction of a day shall be rounded off to a nearest integer.

The period of any leave without pay shall be excluded from the calculation of earned leave.

17.(i) A Principal/Teacher of a college appointed on substantive basis to any permanent post shall acquire a lien on that post. If the teacher is appointed substantively and confirmed to another permanent post either in the college or outside and in case of the Principal to another post outside, his/her lien on the permanent post held earlier in the college shall be terminated, unless he/she indicates in writing his/her refusal to accept the appointment so made substantively in another permanent post ; in such event the concerned teacher/Principal shall immediately report back to duty in the post on which he/she held lien.

(ii) A Principal/Teacher holding substantive appointment in a college may be granted lien on his/her permanent post if he/she applies for the grant of lien consequent upon his/her obtaining an appointment offer either in another college or in any other establishment.

(iii) The period of lien shall initially be for a period of one year which may be renewed or extended if the teacher concerned is not confirmed in his/her services in the new establishment within that period.

Provided that the total period of lien so granted shall not exceed 2 years.

18. Every teacher of a college shall follow a six day week and shall abide by the pattern of holidays, vacation etc. as may be determined by the University.

19. A part-time teacher of a college shall be entitled to the following leave :

(i) Casual leave upon a maximum of 10 days in an academic year.

(ii) Extraordinary leave without remuneration for such period as may be determined by the Governing Body considering the special circumstances of any particular case.

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Joint Secretary 09