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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**  
**LAW DEPARTMENT**

**Legislative**  
NOTIFICATION

No. 227-L.—1st March, 2017.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 12 of 2017**

**THE WEST BENGAL SCHOOL SERVICE COMMISSION  
(AMENDMENT) BILL, 2017.**

**A  
BILL**

*to amend the West Bengal School Service Commission Act, 1997.*

WHEREAS it is expedient to amend the West Bengal School Service Commission Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
IV of 1997.

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the West Bengal School Service Commission (Amendment) Act, 2017.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal School Service Commission  
(Amendment) Bill, 2017.*

(Clauses 2-4.)

Amendment of section 9 in West Ben. Act IV of 1997.

2. In sub-section (1) of section 9 of the West Bengal School Service Commission Act, 1997 (hereinafter referred to as the principal Act), for the words "appointments to the posts of Teachers and non-teaching staff in a school shall be made by the Managing Committee, by whatever name called, or by the *ad-hoc* committee, or by the administrator, if any (where there is no managing committee), of that school", the words "appointments to the posts of the Teachers and non-teaching staff in school shall be made by the Board or the *ad-hoc* committee or the administrator of the Board" shall be substituted.

Substitution of new section for section 9A.

3. For section 9A of the principal Act, the following section shall be substituted:—

"Power of State Government in case of wilful failure to issue appointment to the post of Teacher and non-teaching staff by the Board etc.

9A. If the State Government is of the opinion that the Board or the *ad-hoc* committee or the administrator, wilfully fails to discharge its function to issue appointment to the post of teachers and non-teaching staff in such school on the recommendation of the Commission or any other recommendation made by the Commission, the State Government may take such action as it deems fit."

Insertion of new section 10C after section 10B.

4. After section 10B of the principal Act, the following section shall be inserted:—

"State Government to issue guidelines to the Commission.

10C. Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the State Government in the interest of education or in the interest of public service for administrative reasons may direct the Commission through guidelines or general instructions to make recommendation for placing the service of any teacher including the Assistant Headmaster or the Assistant Headmistress or any non-teaching staff from one school to another school against any sanctioned post."

### STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), for the purpose of empowering the Board, namely, the West Bengal Board of Secondary Education in place of the Managing Committee or the *ad-hoc* committee or by the administrator, if any (where there is no managing committee), in relation to a school under the Act, with the powers—

- (a) to appoint the Teachers and non-teaching staff on the basis of recommendation made by the West Bengal School Service Commission; and
- (b) to effect transfer of teachers and non-teaching staff,

in order to rationalise Pupil-Teacher-Ratio in such schools for maintaining quality education with a view to enabling the State Government to take appropriate action as it may think fit and proper to ensure healthy educational environment in the State.

2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA,  
The 1st March, 2017.

PARTHA CHATTERJEE,  
Member-in-Charge.

By order of the Governor,  
MADHUMATI MITRA,  
Secy. to the Govt. of West Bengal,  
Law Department.