

Preamble:

The Governing Body of the Shillong Law College considered it very expedient to have rules to regulate the service conditions of the teaching staff/employees of the College under Article 7(2)(ii) of the Constitution of the College. The Governing Body had accordingly adopted a resolution framing the following rules governing the conditions of service including recruitment/appointment and promotion, leave and all service-related matters of the **Teaching Staff/Employees of the College**.

Short Title & Commencement:

1. (1) These Rules shall be called the **Shillong Law College Employees' (Teaching Faculties) Service Rules, 2009**.

1. (2) They shall come into force on and from such date as the Governing Body may, by notification, direct.

Extend of application:

2. These Rules shall apply to all persons recruited to the service and also to persons already in service on the establishment of the College on the date of the commencement of these rules.

Definitions:

3. In these Rules unless there is anything repugnant in the subject or context, the terms herein defined are used in the rules in the sense here explained:-

- (a) "Appointing Authority" means the Appointing Authority under these rules;
- (b) "College" means the Shillong Law College;
- (c) "Commission" means the University Grants Commission;
- (d) "Committee" means the Selection Committee including Sub-Committee(s) as may be constituted under these rules;
- (e) "Council" means the Bar Council of India;
- (f) "Government" means the Government of the State of Meghalaya;
- (g) "Governing Body" means the Governing Body of the Shillong Law College;
- (h) "President" means the President of the Governing Body of the College;
- (i) "Principal" means the Principal of the College;
- (j) "Secretary" means the Secretary to the Governing Body of the College;
- (k) "Service" means the Shillong Law College Teaching Faculty Service;
- (l) "Teacher" means the member on the Teaching Faculty of the College including the Principal, the Vice-Principal and/or such person or persons carrying any other designation(s) as the case may be and as may be specified from time to time;
- (m) "University" means the North Eastern Hill University; and,
- (n) "Year" means the calendar year.

Composition & Strength of the Service:

4. (1). The composition and the strength of the service and the classification of the posts/grades shall be as may be determined and sanctioned by the Governing Body from time to time.

Provided that in all such matters, the norms and the term and conditions as may be set forth by the Council or the Commission and/or the University shall be adhered to.

4. (2). At the commencement of these rules, the composition and the strength of the service and the categories of posts/grades and the structure of pay shall be as shown in Schedules-I.

Method of Recruitment:

5. (1). There shall be a Selection Committee consisting of the following, viz:-
- (i) President of the Governing Body : Chairman
 - (ii) Members: : *Principal.
2(two) Subject Experts nominated by the University.
2(two) nominees of Vice-Chancellor of the University.
1(one) nominee of the President.
1(one) nominee of the Governing Body.

Provided that in the case of the Selection Committee for the post of Principal, the

5. (2). All posts and appointments of teacher(s) shall be recruited on the basis of advertisement published in a national including daily besides one local daily. The conditions of appointment including the scale of pay and allowances, age of entry, essential qualification and experience shall form part of such advertisement and shall normally be binding on both parties unless otherwise specified.

5. (3). The applications including the supporting documents so received shall be scrutinized by the Screening Committee headed by (Secretary, GB and consisting of not less than three persons nominated by the GB. The Statement showing the particulars of the candidates, i.e., names, addresses, educational qualification, experience, special or higher academic credential and age so framed shall be forwarded to the Selection Committee.

5. (4). The Selection Committee after scrutiny of the particulars of the candidates compiled by the Screening Committee and after interview, if **necessary**, shall prepare the Select List of the candidates in order of merit and shall forward the said list under a sealed cover and shall be placed before the subsequent meeting of the Governing Body for consideration. The Governing Body shall consider and accept/or reject the recommendation of the said Committee, (reasons thereof being placed) (on record). In the case of rejection reasons should be recorded.

5. (5). The Select List of the candidate(s) finally approved by the Governing Body shall ordinarily be valid for one year from the date of selection. Provided that the Governing Body shall for reasons to be recorded, may extend the period of validity for a further period not exceeding 6(six months) at a time, limiting to twelve months.

5. (6). The Governing Body shall make the appointment after necessary verification of character and antecedents and subject to production of Medical Certificate of Fitness of the Authorised Medical Attendant. The order of appointment shall be issued by the Secretary stating therein the terms and conditions of employment, setting forth the duties and responsibility and also the admissible scale of pay and allowances. On acceptance of the appointment, the candidate(s) shall join the College service within a period of 30 (thirty) days from the date issue of appointment order. Unless otherwise considered and allowed by the Appointing Authority, failure to report to duties within the aforesaid time, the appointee shall forfeit the right to join the service.

- Probation: 6. Person(s) appointed in the College service shall remain on probation for a period of 2(two) years.
Provided that in the event of unsatisfactory work-performance and/or conduct during the period of probation for which written warning was given to the probationer, the period of probation may be extended by another year.
- Discharge of Probationers: 7. A probationer shall be liable to be discharged from the service:-
(a) If he/she fails to give satisfactory service during the period or at the end of the probation.
(b) If on information received relating to his/her nationality, age, health, character and antecedents and/or qualification that the said probationer is ineligible or otherwise unfit for holding the appointment of the post.
- Confirmation: 8. Where the probationer has completed his/her period of probation to the satisfaction of the Appointing Authority, he/she shall be confirmed in the post/grade of the service on completion of the two years' probation and/or such extended period, as the case may be.
- Annual Confidential Report/Character Roll: 9. The Annual Confidential Report in respect of every teacher shall be maintained in the prescribed form. The Annual Confidential Reports (ACRs) in respect of the Principal and Vice-Principal shall be recorded by the Secretary and accepted by the President. The ACRs of the teachers shall be recorded by the Principal, review by the Secretary and accepted by the President
Provided that all Annual Confidential Reports shall be laid before the Governing Body at a meeting for final ratification.
- Pay and Allowances: 10. (1) The time scale of pay admissible to a member of the service shall be as may be prescribed by the Governing Body and so specified in the Schedule-I hereto annexed and/or as may be sanctioned by the Governing Body, from time to time.
10. (2) The Allowances including other Compensatory Allowances shall be admissible to the members of the service and as may be sanctioned by the Governing Body, from time to time.
10. (3) The first increment admissible to the member of the service in the time scale of pay shall accrue on the expire of twelve months from the date of his/her joining the service; but further increment(s) shall be allowed only on his/her successful completion of the probation and confirmation in the service.
10.(4) On promotion of the member of the service to the senior and higher post/grade, the initial pay shall be regulated and fixed in accordance with the principle governing such fixation of pay provided in the Fundamental Rules & Subsidiary Rules of the State Government of Meghalaya and/or such principle as may be adopted by the Governing Body.
- Explanation: (1) In the cases where the probationary period is itself more than twelve months, on confirmation, the teacher may be given the increment(s) which he/she would have drawn but for his/her probation and arrears in this regard may also be allowed.

- (2) On the other hand, in the cases where the period of probation is extended on account of his/her unsatisfactory work performance or un-satisfaction service, while there is no objection to regulate the pay and increment(s) on confirmation at the end of the extended probationary period on the basis of what the teacher would have drawn but for his/her probation, no arrears on this account should be allowed to him/her for the period prior to the date of confirmation. This would thus mean that the increment(s) of the teacher is withheld without cumulative effect.-
- (3) Date of increment:- Wherever the date of increment falls on any day other than the 1st day of the month, the first of that month shall be deemed to be the date of increment. However, in the following cases, the increment shall not be granted on the 1st day of the month:
- (i) If the employee happens to be on leave on the 1st day of the month, the increment in such a case shall be drawn from the date of resumption of duty on return from leave.
 - (ii) When the normal increment is withheld for specified period and the period for such penalty expired after the 1st day of the month, increment in such cases shall be granted/restored from the date the penalty cases.
 - (iii) If an employee is granted advance/enhanced increment(s) as a special case and in public interest, the date of such increment(s), shall take effect from the date of such order.

Academic and other qualification: Principal /Vice-Principal/ Professor / Lecturer:

11.(1) A candidate for the post of Principal and/or Vice-Principal shall have at least 10 years of the experience as a teacher in a College or a University/Institute or as an Education Administrative. In Special cases of outstanding Scholarship and administrative ability, the length of experience may be relaxed by the Governing Body. In addition, the educational qualification prescribed by the Council or the Commission or the University shall also be strictly adhered to.

11. (2) Professor and Lecturers shall hold at least the educational qualifications as have been prescribed by the Council or Commission and/or the University, as the case may be.

Promotion to Post/ Grade:

12. (1) A member of the service shall be eligible for promotion to the senior grade/post. In other words, Career Advance provides for movement of the member(s) of the service to senior and higher grade/posts. No member of the service shall be promoted or Career Advancement accorded unless he/she has served in the respected post/grade for the minimum period so prescribed by the Council or the Commission or the University and/as specified by the Governing Body, as the case may be.

12.(2) The appointments/promotion to the senior and higher grade/post shall be made by the Appointing Authority from the list of suitable members of the service as prepared from time to time and reviewed, as and when necessary, by the Selection/Screening Committee, consisting of the following:-

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|------------------|--|
| Chairman | : President of the Governing Body |
| Members | : Principal. 2(two) Subject Experts nominated by the University. 1(one) nominee of Vice-Chancellor of the University. 1(one) nominee of the President G.B |
| Member Secretary | : Secretary to the Governing Body. |

Provided that in the case of Selection/Screening Committee is for the post of Principal, this provision shall not apply.

12. (3) The Selection/Screening Committee shall prepare the Select List on the basis of information/material based on the following:-

- (a) The candidate must have consistently satisfactory performance appraisal reports.
- (b) The member(s) fulfil the prescribed educational qualifications.
- (c) Has the prescribed minimum qualifying service.
- (d) A consistently satisfactory ACTs showing satisfactory ability, integrity and character for the previous 5 year(s).

12. (4) The Select List kept in the sealed Cover shall be laid before the Governing Body at its meeting for consideration and approval, if any.

12. (5) The seniority of the members of the service promoted to senior post/grade in the time-scale shall be in the order in which their names are arranged by the Selection/Screening Committee.

Inter se seniority:

13. (1) Members appointed/promoted in order in which their names appear in the Select List (refer Rule 5.4 and Rule 12.4) shall be deemed as valid for the purpose of inter se seniority of members of the service in the respective posts/grades.

13.(2) If confirmation of a member of the service in the post/grade is delayed on account of his/her failure to qualify for such confirmation, he/she shall lose his/her position in the order of the seniority in the post/grade vis-à-vis his/her junior(s) as may be confirmed earlier than him/her. His/Her original position in that particular post/grade shall, however, be restored on his/her being confirmed.

Leave

14. (1) Leave is earned by actual duty.

14. (2) Leave cannot be claimed as a matter of right. When the exigencies of the service so require, discretion to refuse or revoke leave of any kind is reserved to the authority empowered to grant it. It shall however, not be opened to the said authority to alter the kind of leave applied for.

Earned Leave:

14. (3).(1) The Principal and the Members of the service including Vice-Principal shall be eligible for the following number of days as earned leave for each completed year of service.

- (i) Principal 30 days
- (ii) Vice Principal/member
of teaching faculty borne
on Regular Esstt. 12 days

14. (3). (2) The Leave Account for every member of the Service shall be maintained in the prescribed form. The leave at the credit of a member at the close of the previous year shall be carried forward to the next year, subject to the condition that the earned leave so carried forward shall not exceed the maximum limit of 300 days. Subject to the aforesaid provision, the maximum earned leave that may be granted at a time shall be 120 days.

14. (3). (3) Earned Leave shall be credited to the Leave Account at the rate given below:-

- (a) Principal : 2½ days for each completed calendar month.
- (b) Member other : 1 day for each completed calendar month than Principal.

14.(3).(4) When a member of the service retires from Service or dies while in service, credit of earned leave not allowed at the rate specified in Rule 14.3.3 per completed calendar month upto the end of the calendar month in which he/she is retired or dies in service.

14.(3).(5) In respect of any year in which a member of the Service is prevented from availing a portion of the vacation, he/she shall be entitled to earned leave in such proportion of 30 days as the number of days of vacation not taken in the full vacation.

Provided that if in any year the member of the service do not avail himself/herself of the vacation, earned leave shall be admissible to him/her in respect of that year in accordance with the provision of Rule 14.3.1.

14.(4).(1) A member of the service shall be entitled to Half Pay leave of 10 days in respect of each completed year of service.

Half Pay Leave:

14.(4).(2) The leave under sub-rule(1) above may be granted on medical certificate or on private affairs.

Provided that in the case of a member of the service not on substantive appointment, no half -pay leave shall be granted unless the competent authority has reason to believe that the said member will return to duty on its expiry.

Commutated Leave

14.(5).(1) Commuted leave not exceeding half the amount of Half-Pay leave may be granted to a member of the service subject to the following:-

- (i) When commuted leave is granted, twice the amount of such leave shall be debited against the Half-Pay leave at credit of the member.
- (ii) That the total of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time.
- (iii) That while granting the leave, the authority is satisfied that there is every prospect of the member returning to duty on its expiry.

- (iv) The authority granting the leave obtains an undertaking that in the event of his/her resignation or retiring voluntarily from the service, he/she shall refund the different between the leave salary drawn during commuted leave and that would be admissible during half-pay leave.

Extra-Ordinary Leave

14.(6).(1) Under exceptional circumstances where the member of the service has no other leave, the Governing Body may, as a special case, grant Extra-Ordinary leave upto maximum of 180 days.

14.(6).(2) Where a member of the service who has completed two years of continuous service, may be granted Extra-Ordinary leave not exceeding twelve months for prosecuting higher studies certified to be in interest of the service under the College. In special case, Extra-Ordinary leave upto the maximum of 48 months may be allowed.

Provided that the member of the Service availing the leave for higher studied executes an agreement as may be prescribed in this regard.

14.(6).(3) Where a member of the Service fails to resume duty on the expiry of the maximum period of Extra-Ordinary leave to him/her or who has been granted lesser amount of Extra-Ordinary leave than the maximum amount admissible, remains absent from duty for any period which together with the Extra-Ordinary leave granted exceeds the limit upto which he/she could have been granted under these rules, he/she shall, unless the Governing Body in view of exceptional circumstances of the case other determine, be removed from the service after following the normal procedures in this regard.

14.(6).(4) The Governing Body may sanction Extra-Ordinary leave in combination with or in continuation of any other kinds of leave that is admissible and shall also be competent to commute retrospectively the period of absence without leave into Extra-Ordinary leave.

14.(6).(5) Two spells of Extra-Ordinary leave, if intervened by any other kind leave, shall be treated as one continuous spell of Extra-Ordinary leave.

Study Leave:

14. (7). (1) Subject to the conditions as may be specified by the Governing Body, Study leave may be granted to a member of the service with due regard to the exigencies of College Service to enable him/her to undergo, in or out of India, a special course of study, consisting of higher studies or specialised training in a professional or technical subject having a direct and close connection with the sphere of his/her duty.

14. (7). (2)

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14. (7). (4) Every member of the Service in substantive employ and who has been granted Study leave or extension of such leave shall be required to execute a Bond as may be prescribed by the competent authority.

Maternity Leave:

14. (8). (1) The Governing Body may grant to a female member of the Service, Maternity leave for a period of 90 days from the date of its commencement. During such leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

14. (8). (2) Maternity leave may also be granted in case of miscarriage including abortion subject to the condition that the leave shall not exceed six weeks and the application is supported by a certificate from the Authorised Medical Attendant.

14. (8). (3) Maternity leave may be combined with any other kind of leave.

Special Provision:

14. (9). (1) No member of the Service shall himself/herself offer as a candidate for election to the Legislative, District Council or the Local Bodies or for holding office of any political organisation except in accordance with the provision under Rule 14.(9).(2).

14. (9). (2). A member of the Service desiring to seek election to the Legislative Body or the District Council or the Local Bodies or to hold office of any political party including local bodies shall be on Compulsory Leave without pay from the date of filing his/her nomination till the end of the next academic session or till the termination of the term of his/her office to which he/she may be elected, as the case may be. Such member of the Service, however, shall not be allowed to retain a lien on his/her post for a period exceeding five years.

Absence after expiry of Leave:

14. (10). (1) Unless the extension of leave is granted, a member of the service who remains absent after the end of leave he/she is entitled to, no leave salary for the period of such absence and that period shall be debited against his Leave Account as though it were half-pay leave, to the extent such leave is due, the period in excess being treated as Extra-Ordinary Leave

14. (10). (2) Wilful absence from duty after expiry of leave renders a member of the Service liable to disciplinary action.

14. (11). (1) At the request of a member of the service, the Governing Body may commute it retrospectively into leave of different kind which was due and admissible to **him/her** at the time the leave was granted. However, member of the service can claim such commutation as a matter of right.

14. (11). (2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted, i.e. any amount paid in excess shall be recovered or any arrears due to him/her shall be paid.

Combination of different kinds of Leave:

14. (12) Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Casual Leave:

14.(13).(1) A member of the service shall be entitled to 12 days of Casual leave in a calendar year, and ordinarily shall not be more than six days at a time.

14. (13). (2) Casual leave is not recognized as leave under these rules and shall not be combined with any other kind of leave including vacations. Also Casual leave cannot be accumulated.

Leave beyond the date of retirement of quitting of service 14.(14) No leave shall be granted to a member of the service beyond:-
(a) the date of his/her retirement;
(b) the date of his/her cessation of duties;
(c) the date of his/her resignation; and,
(d) during the period he/she is under suspension.

Leave Salary etc.: 14. (15) The calculation and regulation of leave salaries shall be in accordance with the principle and provisions governing the same in the Fundamental Rules & Subsidiary Rules of the State Government of Meghalaya and/or such principles/orders as may be adopted by the Governing Body.

Conduct and disciplinary matters: 15. (1). Unless in any case it is otherwise distinctly provided, the whole time of a member of the service is at the disposal of the Governing Body which pays him/her and he/she may be employed in any manner required by proper authority, without claim for additional remuneration.

15. (2). No member of the Service is entitled to pay and allowances for any time he/she spent beyond the limits of his/her charge without proper authority.

15. (3). (1). The following shall be treated as violation of the Service Rules and the terms and conditions of employment under the College:-

- (i) Non-performance of allotted duties and responsibilities;
- (ii) Dereliction in assigned duties;
- (iii) Misconduct;
- (iv) Financial irregularities;
- (v) Prejudicial reputation;
- (vi) Insolvency and habitual indebtedness;
- (vii) Criminal offences;
- (viii) Insubordination and such acts of omissions and commissions prejudicial to the interest of the College.

15. (3). (2) No employee shall, except with the previous sanction of the Governing Body, shall engage himself/herself in any trade or professional or a vocation or accept any office or employment, whether on full-time or part-time basis.

Provided that a member of the Service may undertake honorary work of a social and charitable nature subject to the condition that his/her normal duties do not thereby suffer. But he/she shall undertake and shall discontinue such work if so directed by the Governing Body.

15. (3). (3) No member of the service shall publish or cause to be published, in his own name or anonymously or contribute to the Press or Media any matter which is likely to lead to academic indiscipline or promote defiance of authority.

Disciplinary Procedures: 16.(1).(1) The Appointing Authority may place a member of the Service under suspension if:-

- (a) A departmental disciplinary enquiry into his/her conduct has become necessary or is pending and when his/her continuance in service is prima facie detrimental to the interest of education and maintenance of discipline or to the enquiry itself.

- (b) The employee is being prosecuted on a criminal charge with his/her position as an employee of the College or is likely to embarrass him/her in the discharge of his/her duties as such or involves moral turpitude.

16. (1). (2) A member of the service who is detained in custody under any law providing for preventive detention or result of proceeding either on a criminal charge or for his arrest for debt shall, if the period of detention exceeds 48 hours and unless he/she is already under suspension, be deemed to be under suspension from the date of detention until further orders. A member of the service who is undergoing a sentence of imprisonment shall also be dealt with in the same manner pending a decision on the disciplinary action to be taken against him/her.

16. (1). (3) A member of the service against whom a proceeding has been taken on criminal charge but who is not actually detained in custody (e.g., person released on bail) may be placed under suspension by an order of the competent authority. If the charge is connected with the official position of the employee or involving any moral turpitude on his/her part, suspension shall be ordered unless there are exceptional reasons for not adopting this course.

16. (1). (4) A member of the Service against whom a proceeding has been taken for his arrest for debt but who is not actually detained in custody may be placed under suspension by an order by the competent authority.

Subsistence Allowance:

16. (1). (5) For the period of suspension, a member of the service may be paid a Subsistence Allowance equal to the leave salary which the employee would have received if he had been leave on Half Pay and in addition, dearness allowances, if admissible on the basis of the leave salary.

Provided that where the period of suspension exceeds six month, the authority which made or is deemed to have made the order of suspension shall be competent to review the amount of Subsistence Allowance not exceeding 50 percent of the Subsistence Allowance admissible during the period of the first six months.

Provided further that the amount of Subsistence Allowance may be reduced by suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the concerned suspended employee.

Penalties:

16.1.6. The following penalties may for good and sufficient reasons be imposed upon any member of the service by the authority which appoints him/her:-

- (i) Censure;
- (ii) Withholding of increments or promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by negligence or breach of orders, to the College;

- (iv) Reduction to a lower service, grade or post, or to a lower time scale of pay or to a lower stage in a time scale;
- (v) Compulsory retirement;
- (vi) Removable from service which shall not be a disqualification for future employment; and,
- (vii) Dismissal from service which shall ordinarily be a disqualification for future employment.

16. (1). (10) None of the above penalties shall be imposed on a member of the service until he/she has been given reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her.

Provided that this clause shall not apply:-

- (i) Where a person is dismissed or removed or reduced in rank on ground of conduct which had led to his/her conviction on a criminal charge.
- (ii) Where the authority empowered to dismiss or remove or retire compulsorily or to reduce in rank is satisfied that for special reasons to be recorded in writing, it is not reasonably practical to give to that person opportunity of showing cause.
- (iii) When the Appointing Authority is satisfied that in the interest of the College or the security of the State, it is not expedient to give the person such an opportunity.

NOTE: - Where any confusion arises, a reference may be made to the Meghalaya Services (Discipline and Services) Rules and the provisions and procedure laid therein shall be followed.

Superannuation:

17. (1). A member of the service shall retire on attaining the age of sixty years. The College shall maintain the proof of age at the time of entry of all employees.

Provided that the Governing Body may for special reasons, consider extension of service to a member of the service beyond sixty years (and on the merit of each case) and subject to the employee being certified by the Medical Officer duly authorized in that behalf of the physical and mental fitness. No member shall, however, be retained in service beyond sixty five years age.

Provided further that for specific purposes, the Governing Body may employ such member on contract for a short period.

Appeal by member of service:

18. A member of the service aggrieved by any orders of the Governing Body may within fifteen days of receipt of such orders prefer an appeal. Such an appeal shall be decided by the Governing Body in a meeting specially convened for the purpose. The decision of the Governing Body thereon shall be final.

Pension & Retirement
benefits/ Provident
Fund

19. Rules and Schemes relating to the Pension, Gratuity including the Scheme of Provident Fund in respect of the members of the College Service in keeping with the need for employees' social security shall be formulated.

Savings:

20. (1). (1) Except appointments not confirmed previously and all things done or action taken before the commencement of these rules shall be construed as validly done or taken under these rules.

20. (1). (2) All appeals and other matters pending before any authority on the date of the commencement of these rules shall be transferred to and be treated as pending before the appropriated authority under these rules.

20. (1). (3) Notwithstanding anything contained in the foregoing rules in respect of appointment, shall be disposed of in accordance with the provisions of these rules and commensurate to the interest of the member of the service.

Power to dispense
with or relax any
Rules:

21. The Governing Body may dispense with or relax the requirement of any rule or rules to such an extent and subject to such conditions as it may consider/just and equitable.

Interpretation:

22. If any question arises relating to the interpretation of these rules, it shall be referred to the Governing Body of the College whose decision thereon shall be final.