ORISSA ACT 5 OF 1998

THE ORISSA EDUCATION (AMENDMENT) ACT, 1998

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ORISSA ACT 5 OF 1998

*THE ORISSA EDUCATION (AMENDMENT) ACT, 1998

[*Received the assent of the Governor on the 2nd April 1998, first published in an extraordinary issue of the* Orissa Gazette, *dated the 7th April 1998*]

AN ACT FURTHER TO AMEND THE ORISSA EDUCATION ACT, 1969.

BE it enacted by the Legislature of the State of Orissa in the Forty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Orissa Education (Amendment) Act, 1998.

(*2*) Section 2 shall be deemed to have come into force on the 1st day of January, 1986, and the other provisions of this Act shall come into force at once.

Amendment of Section 7-C.

2. In section 7-C of the Orissa Education Act, 1969 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely— Orissa Act 15 of 1969

"(4-*a*) The grant-in-aid to be borne by the State Government onaccount of placement of a teacher in an aided educational institution receiving University Grants Commission scales of pay under the Career Advancement Scheme, shall be limited to the extent as may be admissible by computing the period of service rendered by him against an approved post with effect from the date of completion of five years of service against such approved post:

Provided that nothing in this sub-section shall be construed as to effect the seniority or any other conditions of service of such a teacher.

(4-*b*) Notwithstanding anything contained in any judgment, decree or order of any Court to the contrary, any instructions issued, actions taken or things done on or after the 1st day o January, 1986 in regard to matters provided in sub-section (4-a) shall be deemed to have been validly issued, taken or done as if the said sub-section were in force at all material points of time.".

Insertion of sections 24-B and 24-C.

3. In the principal Act, after section 24-A the following new sections including the marginal headings shall be inserted, namely:—

"Adjudication by Tribunal.

24-B (*1*) The Tribunal shall have jurisdiction, power and authority to adjudicate all disputes and differences between the Managing Committee or, as the case may be, the Governing Body of any private educational institution and any teacher or employee of such institution or the State Government or any officer or authorty of the said Government, relating to or connected with the eligibility, entitlement, payment or non-payment of grant-in-aid.

(*2*) Any person aggrieved by an order pertaining to any matter within the jurisdiction of the Tribunal, may make an application to the Tribunal for the redressal of his grievance.

(*3*) On receipt of an application under sub-section (2), the Tribunal shall if so satisfied after such inquiry as it may deem necessary that the application is a fitti case for adjudication by it, admit such application, but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons :

Provided that no application before the Tribunal seeking a claim of grant-in-aid against the State Government or any officer or authority of the said Government shall be admitted, unless the applicant has served a notice on the State Government or concerned officer or authority furnishing the details of the claim and a period of two months has expired from the date of receipt of the said notice by the State Government or, as the case may be, the concerned officer or authority.

(*4*) The Tribunal shall not admit an application under sub-section (2), unless it is made within one year from the date of expiry of the period of two months referred to in sub-section (3).

* For the Bill, *see* Orissa Gazette, Extraodinary, dated the 17th March, 1998 (295)

(5) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to any rules made by the Government, shall have power to regulate its own procedure. 5 of 1908.

(6) All the proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860. 45 of 1860.

Appeal to High Court.

24-C. Any person aggrieved by an order or decision or judgement of the Tribunal may prefer an appeal before the High Court within a period of sixty days from the date of such order or decision or judgement.".