

# THE ORISSA EDUCATION ( AMENDMENT ) ACT, 1974

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D. E. No. 1810 (1974) 11-74  
w.e.t. 11-11-74

11-11-74

**\*THE ORISSA EDUCATION (AMENDMENT) ACT, 1974.**

[Received the assent of the Governor on the 1st August 1974,  
first Published in an extraordinary issue of the Orissa Gazette,  
dated the 3rd August 1974]

**AN ACT TO AMEND THE ORISSA EDUCATION ACT, 1969**

BE it enacted by the Legislature of the State of Orissa in  
the Twenty-fifth Year of the Republic of India, as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Orissa Education (Amend-  
ment) Act, 1974.

(2) It shall come into force on such date as the State  
Government may, by notification, appoint on that behalf.

Amendment  
of section 3,  
Orissa Act  
15 of 1969.

2. In section 3 of the Orissa Education Act, 1969 (hereinafter  
referred to as the principal Act), after clause (1), the following  
new clause shall be added, namely:—

Orissa Act  
15 of 1969

“(m) ‘Tribunal’ means the Tribunal constituted under  
section 24-A.”

Insertion of  
new section  
10 A, Orissa  
Act 15 of  
1969.

3. After section 10 of the principal Act, the following new  
section shall be inserted, namely:—

Services of  
teachers of  
aided insti-  
tutions not  
to be termi-  
nated with-  
out appro-  
val.

“10A. (1) The services of a teacher of an aided educational  
institution shall not be terminated without obtaining the prior  
approval in writing of the—

- (a) Director of Public Instruction (Higher Education), in the  
case of a teacher of a college; and
- (b) Circle Inspector of Schools having jurisdiction, in the  
case of a teacher of a school.

(2) Every order passed by the Director or Circle Inspector,  
as the case may be, either according approval or refusing to  
accord approval under sub-section (1) shall be communicated to  
the parties concerned within three months of the reference.

(3) Any person aggrieved by an order passed under sub-  
section (1) may prefer an appeal to the Tribunal within one month  
from the date of receipt of the order”.

Amendment  
of section 15,  
Orissa Act  
15 of 1969.

4. In section 15 of the principal Act, in sub-section (2), after  
clause (b), the following new clause shall be inserted, namely:—

“(bb) the Secretary to the  
Government in the  
Education Department; *Ex officio* Member”.

Amendment  
of section 24,  
Orissa Act  
15 of 1969.

5. In section 24 of the principal Act, in sub-section (1), after  
clause (c), the following new clauses shall be added, namely:—

- “(d) the Secretary to Government  
in the Education Department Member.
- (e) the Director of Public  
Instruction (Higher Education) Member”.

\*For the Bill see Orissa Gazette Extraordinary, dated the 12th July 1974 (1094).

Insertion of  
new section  
24-A, Orissa  
Act 15 of  
1969.

6. After section 24 of the principal Act, the following new section shall be inserted, namely :—

Constitution  
of Tribunal.

“24-A. (1) The State Government may, by notification, constitute one or more Tribunals having such local jurisdiction as may be specified in the notification.

(2) The Tribunal shall consist of one person only to be appointed by the State Government from among the officers of the Orissa Superior Judicial Service (Senior Branch).

(3) The Tribunal shall have the power to call for the records of all proceedings relating to the dispute and shall, after giving the parties concerned a reasonable opportunity of being heard, dispose of the appeals preferred to it.

(4) In disposing of an appeal the Tribunal may make such consequential orders and issue such directions as it may deem necessary for giving effect to its decision.

(5) The decisions of the Tribunal shall be final and binding on all parties and shall not be called in question in any Court of Law.”

Savings in  
respect of  
past cases.

7. (1) Notwithstanding anything in any judgment, decree or order of any Court, but subject to the provisions hereinafter contained, the termination of the services of any teacher of an aided educational institution as defined in the principal Act, made after the 3rd May, 1972 and before the date of commencement of this Act shall, if made without the approval of the Director of Public Instruction (Higher Education) in the case of a college teacher and of the Director of Public Instruction (Schools) in the case of a school teacher, be inoperative.

(2) The managing committee or the governing body of the concerned institution shall refer the case of the said teacher to the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, within one month from the date of commencement of this Act for obtaining his approval and thereupon the provisions of section 10-A of the principal Act as amended by this Act shall, *mutatis mutandis* apply :

Provided that where the managing committee or the governing body, as the case may be, fails to make a reference in accordance with this sub-section, the order of termination of the services of the teacher shall become void and the teacher shall be deemed to have been re-instated in service with effect from the day following the date of expiry of the aforesaid period of one month.

(3) Where any such termination as is referred to in sub-section (1) was made with the approval of the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, the concerned teacher may prefer

an appeal to the Tribunal constituted under the principal Act as amended by this Act within one month from the date of constitution of the Tribunal.

(4) Where, on a reference made under sub-section (2) the Director refuses to accord approval and no appeal is preferred to the Tribunal against the order of refusal, the concerned teacher shall be re-instated with effect from the date of such order.

(5) For removal of doubt it is hereby declared that on re-instatement, a teacher shall not be entitled to any emoluments for the period intervening between the date of termination of his service and the date on which he is re-instated but the said period shall be counted towards service.