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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 2058-L.—22nd August, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XV of 2005

**THE WEST BENGAL COLLEGE SERVICE COMMISSION
(AMENDMENT) ACT, 2005.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 22nd August, 2005.]

An Act to amend the West Bengal College Service Commission Act, 1978.

WHEREAS it is expedient to amend the West Bengal College Service Commission Act, 1978, for the purposes and in the manner hereinafter appearing;

West Ben. Act
LXII of 1978.

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

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal College Service Commission (Amendment) Act, 2005.

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

*The West Bengal College Service Commission
(Amendment) Act, 2005.*

(Sections 2-4.)

Amendment of
section 2 of West
Ben. Act LXII of
1978.

2. In section 2 of the West Bengal College Service Commission Act, 1978 (hereinafter referred to as the principal Act),—

(1) after clause (hh), the following clause shall be inserted:—

‘(hha) “Librarian” means a person holding the post of Librarian in a college, on full time basis, and includes an Assistant Librarian and a Deputy Librarian;’;

(2) for clause (q), the following clause shall be substituted:—

‘(q) “University” means any of the Universities constituted or established, as the case may be, under—

(i) the Bidhan Chandra Krishi Viswa Vidyalaya Act, 1974,	West Ben. Act XLIX of 1974.
(ii) the Calcutta University Act, 1979,	West Ben. Act XXXVIII of 1979.
(iii) the Vidyasagar University Act, 1981,	West Ben. Act XVIII of 1981.
(iv) the Burdwan University Act, 1981,	West Ben. Act XXIII of 1981.
(v) the Jadavpur University Act, 1981,	West Ben. Act XXIV of 1981.
(vi) the North Bengal University Act, 1981,	West Ben. Act XXV of 1981.
(vii) the Rabindra Bharati University Act, 1981,	West Ben. Act XXXVI of 1981.
(viii) the Kalyani University Act, 1981,	West Ben. Act XL of 1981.
(ix) the Netaji Subhas Open University Act, 1997, and	West Ben. Act XIX of 1997.
(x) the Bengal Engineering and Science University, Shibpur Act, 2004.’	West Ben. Act XII of 2004.

Amendment of
section 3.

3. In section 3 of the principal Act,—

(1) in sub-section (1), for the words “seven members”, the words “eleven members” shall be substituted; and

(2) sub-section (2) shall be omitted.

4. After section 3 of the principal Act, the following section shall be inserted:—

“Zonal units of
the Commission. 3A. (1) There shall be five Zonal Units of the Commission
consisting of the following Zones:—

- (i) the North Bengal University Zone,
- (ii) the Kalyani University Zone,
- (iii) the Burdwan University Zone,
- (iv) the Vidyasagar University Zone, and
- (v) the Calcutta University Zone:

Provided that the State Government may, by order, determine the jurisdiction of every Zonal Unit of the Commission.

(2) Every Zonal Unit of the Commission shall consist of the Chairman and two members of the Commission.

(3) The members of the Zonal Unit of the Commission shall render necessary advice to the Chairman in preparing a panel of eligible candidates based on the interviews conducted exclusively for those who have applied for appointment within the Zone of the respective Zonal Unit of the Commission.”.

*The West Bengal College Service Commission
(Amendment) Act, 2005.*

(Sections 5, 6.)

Amendment of
section 4.

5. In section 4 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Chairman and other members of the Commission shall be appointed by the State Government in consultation with the Chancellor of the Universities referred to in clause (q) of section 2. The Chairman shall be whole-time member and shall hold office for a period of four years and the other members shall be honorary part-time members and shall hold office for a term of two years:

Provided that a person who has held office as Chairman or other member shall, on the expiration of his term of office, be eligible for further appointment as Chairman or other member:

Provided further that no person who has attained the age of sixty-two years shall be eligible to hold office in any capacity, whether as Chairman or other member:

Provided also that no serving Teacher of a College or University shall be eligible for appointment as honorary part-time member.”;

(2) for sub-section (5), the following sub-section shall be substituted:—

“(5) The salary of the Chairman and the honorarium of the members shall be such as may be determined by the State Government, by order.”.

Amendment of
section 7.

6. In section 7 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Zonal Unit of the Commission to select persons for appointment to the posts of Teachers or Librarians of a College:

Provided that—

(i) for selection of persons for appointment to the posts of Teachers or Librarians other than Principal, the Zonal Unit of the Commission shall be aided by two persons having special knowledge on the subject for which such selection is to be made, of whom one shall be a nominee of the University to which such College is affiliated and the other shall be a nominee of the Chancellor of such University,

(ii) for selection of person for appointment to the post of Principal, the Zonal Unit of the Commission shall be aided by the Vice-Chancellor of the University to which such College is affiliated or his nominee and a nominee of the Chancellor of such University.

Explanation.—For the purposes of this sub-section, a nominee shall not be below the rank of the Professor of the University.”;

(2) in sub-section (2), the word “also” shall be omitted.

*The West Bengal College Service Commission
(Amendment) Act, 2005.*

(Sections 7-11.)

Amendment of
section 8.

7. In sub-section (1) of section 8 of the principal Act, for the words "Teachers of a College", the words "Teachers or Librarians of a College" shall be substituted.

Amendment of
section 9.

8. In section 9 of the principal Act, in sub-section (1), for the words "Teachers of a College", the words "Teachers or Librarians of a College" shall be substituted.

Amendment of
section 10.

9. In section 10 of the principal Act, for the word "Teachers", wherever it occurs, the words "Teachers or Librarians" shall be substituted.

Amendment of
section 16.

10. In section 16 of the principal Act, in sub-section (2), clause (a) shall be omitted.

Amendment of
section 17.

11. In section 17 of the principal Act, in sub-section (2), in clause (b), for the words "Teachers of a college", the words "Teachers or Librarians of a College" shall be substituted.

By order of the Governor,

MD. HESAMUDDIN,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*