

**GOVERNMENT OF KARNATAKA**

No: ED 104 SEP 2005

Karnataka Government Secretariat,  
M.S.Building,  
Bangalore, Dated: 12-01-2006.**NOTIFICATION**

Whereas the draft of the Karnataka Educational Institutions [Certain terms and conditions of service of employees in private un-aided Primary and Secondary and Pre-University Educational institutions] Rules, 2005 was published as required by sub-section [1] of Section 145 of the Karnataka Education Act, 1983 [Karnataka Act 1 of 1995] in Notification No. ED 104 SEP 2005, Dated: 17-10-2005 in Part - IV -A of Karnataka Gazette Extraordinary No.1873, dated: 17-10-2005 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of the publication of the draft in Official Gazette.

And Whereas the said Gazette was made available to public on 17-10-2005.

And Whereas the objections and suggestions received in this regard have been duly considered by the State Government.

Now, therefore in exercise of the powers conferred by sub-section [1] of section 145 of the Karnataka Education Act, 1983, [Karnataka Act of 1995] the Government of Karnataka is hereby makes the following rules, namely:-

**1. Title, application and Commencement :-** (1) These rules may be called the Karnataka Educational Institutions (Certain terms and conditions of service of employees in Private unaided Primary and Secondary and Pre-University Educational Institutions) Rules, 2005.

(2) These rules shall apply to the Primary, Secondary and Pre-University educational institutions not receiving grant-in-aid.

(3) They shall come into force from the date of publication in the Official Gazette.

- 2. Definitions:-** (1) In these rules, unless the context otherwise requires-
- (a) 'Act' means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995);
  - (b) 'Appointing Authority' means,-
    - (i) in respect of all the employees of the un-aided Primary, Secondary and Pre-university educational institutions, other than the Head of the Institution, the Managing Committee of the institution;
    - (ii) in respect of the Head of the Institution, the Governing Council.
  - (c) 'Disciplinary Authority' means the Managing Committee or as the case may be, the Governing Council;
  - (d) 'employee' means a person employed in an educational institution;
  - (e) 'Form' means a form appended to these rules;
  - (f) 'Section' means a section of the Act.

**3. Minimum number of posts, Educational Qualifications and Conditions of service of employees :-** (1) Subject to the other provisions of these rules :

- (a) The minimum number of categories and number of posts and staffing pattern shall be as applicable to aided educational institutions. The educational qualifications for recruitment to the various posts in the educational institutions shall be the same as those applicable to the corresponding category of posts in Government educational institutions;
- (b) *Salary:-* The salary of the employees in the educational institutions, namely, the unaided Primary, Secondary and Pre-University educational institutions shall not be less than the minimum of the basic of the scale of pay of the corresponding post held by an employee in a Government educational institution and shall be disbursed through A/c payee cheques drawn in favour of such employee.

**4. Leave.-** (1)The employees, both teaching and non-teaching, in the educational institutions shall be entitled to leave of not less than the leave specified below:-

- (a) Leave may be sanctioned to the employees for a maximum of 12 days in each calendar year but not for more than five days at a time on the ground of any sickness or on any other reasonable ground. This leave shall be credited to the account of the employee at the beginning of the calendar year on the first of January every year;
- (b) Where an employee has not put in a service of one year, he may be sanctioned leave in proportion to the period of his service at the rate of one day for each completed month of service;
- (c) For the purpose of (b) above, fraction of leave of half a day or more shall be treated as one full day's leave and a fraction of less than half a day shall be omitted;
- (d) Female employees shall be sanctioned maternity leave for a period of not less than such number of days as admissible in accordance with the Maternity Benefits Act, 1961 (Central Act 53 of 1961).

(2) If an employee does not, in any one calendar year avail himself of the whole of the leave at his credit under sub-rule (1), such unavailed leave shall be added to the leave at his credit in the succeeding calendar year.

provided that the total number of the days of leave that may be so carried forward to a succeeding year shall not exceed 30 days.

(3) An employee, before availing himself of leave shall apply in writing to the head of the institution well before the date on which he wants to be absent on leave and do so only if he is sanctioned leave.

**5. Schedule of employment.-** Every educational institution shall issue a written order of appointment in respect of the appointments made by it and maintain a Service Book in respect of each of its employees. Every institution shall also maintain a schedule of employment indicating therein the name, qualification, scale of pay and other particulars in respect of each of its employees, in Form-1.

**6. Educational Institutions not to compel an employee to give resignation letter either at the time of appointment or subsequently:-** (1)

Any employee appointed under these rules may resign from service by giving one month's notice in writing in Form II to the Governing Council or surrendering one month's salary in lieu thereof. It shall be sent by registered post acknowledgement due or in person under proper acknowledgement.

(2) No employee of an educational institution shall resign any time by undated or predated letter.

(3) No educational institution shall insist or compel any of its employees to give at any time undated or predated resignation letter.

(4) No employee of the educational institution shall be relieved from service on the strength of such resignation. The head of the educational institution shall enquire as to whether the resignation letter is in accordance with sub-rule (1) and if so forward the resignation letter to the Managing Committee, with his recommendation.

(5) Entries regarding the date of acceptance of resignation of appointment shall be made by the Secretary of the society / trust in the Service Book of the employees concerned.

Provided that the employee who has submitted resignation may withdraw the same, if he so desires, within the intended period of resignation or before resignation is accepted, whichever is earlier.

**7. Appeal.-** Any person aggrieved by the order of the competent authority may appeal to the Tribunal within ninety days from the date of communication of the order.

By order and in the name of the  
Governor of Karnataka,

[SIDDALINGAIAH]  
Under Secretary to Government,  
Education Department.

FORM – 1

*(See Rule – 5)*

1. Name of the employee :
2. Father's / Mother's name :
3. Date of Birth :
4. Qualification :
5. Date of appointment :
6. Nature of appointment :
7. Name of the post to which appointed :
8. Scale of pay :
9. Date of approval & reference :
10. Any other details :

*Signature of the Head of the Institution*

FORM – II

(See Rule – 6)

I, .....  
Working as .....  
in.....school.....  
Management, voluntarily tender my resignation w.e.f ..... for  
..... reasons.

(i) \*I request that my resignation may be accepted with effect from  
.....(one  
month thereafter).

(ii) \*I request that my resignation may be accepted with immediate  
effect. I surrender one month’s salary in lieu of one month’s notice.

*Signature of the employee*

*Date:*

*Place:*

*Name of the Employee*  
**(IN BLOCK LETTERS)**

[\*Note: Strike off (i) or (ii) above, as the case may be, whichever is not applicable]