CHAPTER TWO

LEGAL ASPECTS
CHAPTER TWO

LEGAL ASPECTS OF BOARDS OF SCHOOL EDUCATION

To know thyself, compare thyself to others.

Tacitus

2.1 Constitution

Generally speaking a Constitution is a body of laws according to which a State is governed. It defines position and powers of different organs of government the executive, the legislature and the judiciary and the relationship between the government and the citizens. A constitution provides a framework within which a government of a country has to work. It lays down precisely what a government cannot do. Similarly all human organisations, societies and political parties have their respective constitutions.

2.2 Background

According to the report of the Secondary Education Commission 1952-53 in every state there should be a Board of Secondary Education to deal with all details of education at the secondary stage (general and technical). This Board should be composed of persons with wide experience and knowledge of different aspects of Secondary Education, with


the following 25 members ten of whom should be specially conversant with matters pertaining to vocation or technical education.

1. The Joint Director of Vocational Education
2. The Director of Agriculture.
3. The Director of Industries.
4. One Head of a Polytechnic.
5. Two representatives nominated by Government from the senior teaching staff of vocational schools.
6. The Deputy Director of Women education.
7. Four Head Masters of High Schools including Head Masters of Multi purpose schools nominated by Government.
8. Two representatives of Provincial Secondary Teachers' Association elected by the Executive of the Association.
9. Five nominees of the Universities of the region of whom two shall be professors dealing with Technical Education.
10. Two distinguished educationists co-opted by other members of the Board.
11. Two persons nominated by the Department and Principal of a Training College nominated by Government.
12. One of the Deputy Directors as Member Secretary.

2.3 Functions

The Secondary Education Commission had further recommended that "The Board will be generally responsible:
1) To frame conditions for recognition of High Schools, Higher Secondary Schools and the qualification of the teaching staff.

ii) To appoint committees of experts to advise on the syllabi etc., for the different courses of study.

iii) To frame courses of study on the recommendations of expert committees that may be appointed for the purpose.

iv) To draw up panels of question paper setters, Chief Examiners and Assistant Examiners.

V) To frame rules prescribing the minimum conditions for selection of Examiners, Assistant Examiners etc., and generally to frame such other rules as may be necessary for its effective functioning.

vi) Generally to advise the Director of Education when required on all matters pertaining to Secondary Education.

For conducting examinations there should be a sub-committee of the Board, consisting of not more than five members with Director of Education or senior member of the Directorate as convener. This committee will be responsible for framing its scheme and conducting public examinations and public results. The Chairman of Board, Director of Education will be executive head to implement the recommendation of the Education Board.¹

2.4 Establishment and Incorporation of Boards of School Education

All the Boards of School Education In India have been established, by notification in the Official Gazette of the State or Central Government, under the authority of

respective Acts. Every Board is a body corporate by the
name as mentioned in the respective Act. A Board
has a perpetual succession and a common seal and has power
to acquire, hold and dispose of property, both movable
and immovable and to enter into contracts and may be by its
name sue and be sued.

In India, there are, at present, twenty nine Boards
of School education out of which twenty five Boards have
been established under the authority of different Acts
passed by the Legislatures of the respective States or the
Parliament.

The names of the different Boards and the Acts under
which these have been established are given here as under:

1. Board of Secondary Education, Andhra Pradesh, Hyderabad,
   Act (Est. in 1957).
4. Gujrat Secondary Education Board, Baroda. (Act No. 18 of
   1973).

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1. Sections 3 of Punjab Act No. 24 of 1969 and Goa Act No. 13
   of 1975 and other Acts.
2. a. Directory of Institutions for Higher Education, Ministry
   of Education, Delhi, Manager of Publications, 1961
   (pp. 133-134).
   b. Indian Universities: Association of Indian Universities,
      New Delhi, 1984.
   c. Reports of 11th, 12th meetings of Council of Boards
      of School Education, New Delhi, 1982-83.
   d. Selected information on School Education in India 1979-80,
      Govt. of India Ministry of Education & Culture, New Delhi
5. Gujrat Secondary Examination Board, Department of Education, Ahmedabad.


9. Karnataka Secondary Education Examination, Board, Bangalore (Secondary Education Board Mysore, Bangalore Act, 1913), 1944.

10. Board of Pre-University Education, Karnataka, Bangalore, 1970


16. Nagaland Board of School Education, Kohima/(No. 4 of 1973)

17. Board of Secondary Education, Orissa, Cuttack, Act (No. 10 of 1953).


30. Council of Boards of School Education in India, New Delhi.

2.5 Composition of Boards

Though it is difficult to fully describe the composition of all the Boards, a comparative detail of most of the Boards is given briefly as under:

1. The Bihar School Examination Board, Patna has been established under the authority of Bihar School Examination Board, Patna, Act (No. 7 of 1952). According to its constitution, the Chairman is head of the Board. The Board consists of chairman and five members nominated by the State Government. The five members nominated are Heads of Govt. Departments concerning education.

2. The Bombay Secondary School Certificate Examination Act, 1948, established two Boards for the then State of Bombay namely:

i) Maharashtra Secondary School Certificate Examination Board, Poona for Maharashtra region and


The Boards were headed by respective Chairman who were appointed by the State Government. On reorganisation of the State of Bombay and formation of the new state of Gujrat, the Gujrat Legislature, through Gujrat Secondary
Education Act, 1972, established Gujrart Secondary Education Board, Baroda.

Bombay Secondary School Certificate Examination Board was established for the purpose of holding and conducting an examination at the end of the high school education stage, and the post basic education stage and for prescribing courses of study for such-examinations with a view to equipping pupils for employment, for education in the universities and other purposes. Bombay Secondary School Certificate Examination Board, Act was further amended by Bombay 14 of 1950, adopted and modified by the Adoption of Laws Order, 1950, amended by Bombay of 1951, 39 of 1951, 56 of 1953, 15 of 1954 adopted and modified by the Bombay Secondary School Certificate Examination Board (Re-constitution) Order 1959, adapted and modified by the Bombay Secondary School Certificate Examination Board (dissolution and re-constitution) Order, 1960 and amended by Gujrart 56 of 1963.

Gujrart Secondary Education Act, 1972 was passed in 1973. The Act provides for the regulation of secondary education in the State of Gujrart and establishment of a board for that purpose. Vide section 3 of this Act, the board consists of a Chairman, a Deputy Chairman, both of whom

appointed by the State Government, ten Class-A Ex-officio members, 22 Class-B elected members and three Class-C nominated members. All sections are given representation on the board including all administrative departments, teachers, parents, heads of Institutions and State legislatures.

It is unique provision that members are elected by various agencies as per procedure vide section 5 of Gujrat Secondary Education Regulation, 1974: 1

Vide Section 6(1) of this Act the members of the Board other than ex-officio members hold office for a period of three years, though their term can be extended by the government for one year under special circumstances. The members nominated by the State government also work as such for two years. If a member remains absent, without the permission of the Chairman from any three consecutive meetings thereof, his office shall thereupon become vacant.

A member of the Board working ex-officio member may resign at any time by tendering his resignation in writing to the Chairman of the Board. The State government on the recommendations of the Board, may remove a member of the Board, elected or nominated, from his office, if such member has been found guilty of any misconduct as in the opinion of the State government, render him unsuitable to be

continued as member.

The Board... holds three meetings in a year at suitable intervals.

Board of School Education, Haryana, Bhiwani consists of Chairman, Vice-Chairman, eight ex-officio members, two members of Legislative Assembly, two Heads of the recognised schools, one representative of Heads or teachers of Training Colleges, one Dean or Professor or other two distinguished educationists and one representative of Managing Committees.¹

Himachal Pradesh Board of School Education Dharamsala was established under the Himachal Pradesh Board of School Education Act, 1968 (No.14 of 1968)² which was passed by the Legislative Assembly for the Union Territory of Himachal Pradesh and the Act came into force on 5.8.1968. The Board was established by H.P.Govt. notification No. 3-1/69-Edu.(U-B) dated 3.7.1969. Section 3 of the Act provides for the establishment of a Board of School Education for Himachal Pradesh while Section 4 provides for the composition of the Board.

According to Section 4, The Board consists of a Chairman nominated in accordance with section 18 of the Act and following 17 members, namely:-

I. Ex-Officio Members:

(a) The Director of Education, Himachal Pradesh.

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² Gazette Notification Raipatra H.P.Extra dt. 28th Sept..1968
II. Elected Members:

(b) three persons elected by the Himachal Pradesh Legislative Assembly from amongst its members;

III. Nominated members (to be nominated by the Government):

(c) one Inspecting Officer of the Education Department of the Himachal Pradesh Government;

(d) one Principal of an Engineering College/Polytechnic in Himachal Pradesh;

(e) one Principal of Medical College in Himachal Pradesh;

(f) One Principal of Agriculture College in Himachal Pradesh;

(g) One Principal representing Government Colleges of Education in Himachal Pradesh;

(i) one representative of local bodies in Himachal Pradesh;

(j) three heads of High and Higher Secondary Schools, one each of the Government, non-government and Girls High and Higher Secondary Schools;

(k) One representative of the Finance Department of Himachal Pradesh Government;

(l) one member to secure representation of such interests as are not otherwise represented;

IV. Co-opted Members:

(m) One member to be co-opted by the Board for their expert and wide knowledge of school education.
If the Legislative Assembly fails to elect any member to the Board as required under clause (e) of sub section(1) within the prescribed time, the Government shall nominate any member of that Assembly to be such member.

Following are the members of the H.P. Board of School Education as in April, 1984:

1. Sh. Hardyal Former Education Minister Chairman
   M.L.A

2. Sh. N.R. Pathak Director of Education, HP-Ex-Officio Vice-Chairman.
   M.L.A

3. Sh. Kewal Ram Chauhan Member
   M.L.A

4. Sh. Thakur Singh Member
   M.L.A

5. Sh. Nagin Chander Pal Member
   M.L.A

6. Sh. B.E. Mehta, Distt. Education Officer, Member
   Kangra at Dharamsala

7. Sh. B.R. Pandey, Principal, Govt. Polytechnic, Member
   Sundernagar, Distt. Mandi (H.P.)

8. Dr. N.K. Vaidya, Principal Member
   H.P. Medical College, Shimla

9. Dr. D.R. Thakur, Member
   Pro-Vice-Chancellor, H.P. Agriculture University, Solan.

10. Sh. S.N. Soni, Principal, Member
    DAV Hr. Sec. School, Una

11. Sh. B.K. Malhotra, Principal, Member
    Govt. College of Education, Dharamsala, Distt. Kangra (H.P.)
12. Miss. E. Gopal Dass  
   Principal, Govt. Girls High School,  
   Jawalamukhi, Distt. Kangra (H.P.).  
   Member

13. Sh. R.K. Panwar, Headmaster,  
   Govt. High School, Majra (Sirmour)  
   Member

14. Sh. Mangal Sen, Acharya,  
   Headmaster, Govt. High School,  
   Paprola Distt. Kangra (H.P.).  
   Member

15. Sh. Surinder Gupta, Advocate, Kangra  
   Member

16. Sh. Narain Singh, Deputy Secretary  
   Finance Deptt., H.P. Govt. Shimla.  
   Member

17. Lt. General Kanth Korla (Retd),  
   Palampur, Distt. Kangra, H.P.  
   Member

18. Sh. Sita Ram Chauhan  
   Principal, Govt. Hr. Sec. School,  
   Sarkaghat, Distt. Mandi (H.P)  
   Co-opted Member

19. One member of the curriculum committee  
   to be nominated by the Government.

6. The Jammu and Kashmir State Board of School Education,  
   Srinagar consists of 32 members as under:

a. Vice Chancellor  
   Ex-Officio Chairman

b. Educational Adviser  
   Ex-Officio Vice-Chairman

c. Two divisional pro Vice-Chancellors  
   University of Jammu and Kashmir.

d. Director of Education

e. Deputy Directors of Education of Jammu and Kashmir

f. Deputy Directors of women's education of Jammu and Kashmir  
   Provinces.

1. The J & K State Board of Secondary Education Act 1965  
   (No. 11 of 1965) Sec. 4.
g. Two Principals of Higher Secondary Schools for boys, one each from the Provinces of Jammu and Kashmir nominated by the Government.

h. Two Principals of Higher Secondary Schools for girls each from the Provinces of Jammu and Kashmir nominated by the Government.

i. Four Headmasters of Boys High Schools, two each from each of the provinces, nominated by the Government.

j. Two Headmistresses of Girls High Schools one each from the two provinces, nominated by the Government.

k. Four persons nominated by the Central Council of the Universities of Jammu and Kashmir two each from the provinces of Jammu and Kashmir.

l. Four persons, nominated by the Government to represent interests not otherwise adequately represented.

m. The Registrar of the University of Jammu and Kashmir

n. The Joint Registrars of the two Divisions of the University of Jammu and Kashmir.

o. Principal Medical College, Srinagar.

p. Principal of Engineering College, Srinagar.

q. One principal of an Agriculture college, nominated by the Government.

7. Madhya Pradesh Board of Secondary Education, has a Chairman and 35 members representing State Legislature, Universities, Heads of Educational Institutions, teachers, managements, Local bodies and inspectorate staff of state education department.

Divisional Board of Madhya Pradesh Board of Secondary Education, consists of a Chairman, a Principal of Post-Graduate Basic Training College, one District Education Officer, one Member of Legislative Assembly, Mayor of
Municipal Corporation and one person interested in Secondary education.

8. Maharashtra State Board of Secondary and Higher Secondary, Education, Pune, consists of a Chairman and 35 members representing Education Department, Universities, State Legislators, Teachers, Heads of Institutions, Divisional Boards, Managing bodies, and persons having knowledge of secondary and higher secondary education.

Divisional Board consists of Divisional Chairman, Regional Deputy Director of Education, two education officers, five members representatives of principals, six members representing teachers and two representatives of Managing bodies. The composition of this board is as under:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>No. of members</th>
<th>State Board</th>
<th>Poona</th>
<th>Nagpur</th>
<th>Aurangabad</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ex-officio</td>
<td>10</td>
<td>7</td>
<td>5</td>
<td>4</td>
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<tr>
<td>2.</td>
<td>Nominated members</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Vidyapeeth representatives</td>
<td>10</td>
<td>-</td>
<td>-</td>
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<td></td>
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<tr>
<td>b) Legislative Assembly</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
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<tr>
<td>c) Legislative Council</td>
<td>1</td>
<td>-</td>
<td>-</td>
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</tbody>
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<th>Poona</th>
<th>Nagpur</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3. Appointed members</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>a)(i) Principals of Hr. Sec. Schools</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>(ii) Heads of Secondary Schools</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>b)(i) Higher Secondary School Teachers</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>(ii) Secondary School Teachers</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>c) Principals of Education, Training Colleges</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>d)(i) Higher Secondary School Managers</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>(ii) Secondary School Managers</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
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<tr>
<td>e)(i) Higher Secondary Educationists</td>
<td>2</td>
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<tr>
<td>(ii) Pry-Sec. Educationists</td>
<td>2</td>
<td>-</td>
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</tbody>
</table>

| Total Members | 44 | 33 | 18 | 17 |

9. Board of Secondary Education, Manipur, Imphal consists of a Chairman (Director of Education) and twenty seven members including the Secretary of the Board. The members are representatives of education, health, technical education, industries, agriculture and research departments. In addition to this, other states and union territories, Universities, Heads of Institutions and teachers are given representation on the Board.
10. Meghalya Board of School Education, Tura, West Garo Hills, Meghalya, provides: a Chairman (Director of Public Instruction) and sixteen members including the Secretary of the Board. The members are Director of Industries, Agriculture, Health, all Inspectors of Schools, representatives of teachers, Universities and educationists.

11. Punjab School Education Board, Mohali, District Ropar, Punjab, consists of a Chairman, a Vice-Chairman, and two Vice-Chancellors, Director of Public Instruction, five Principals of Colleges, one eminent scholar, Legal Remembrancer, in all ten members besides the Chairman.

12. Rajasthan Board of Secondary Education, Ajmer consists of a Chairman and Director of Education (Primary and Secondary), Heads of Department of Technical Education, Scientist, Ayurveda, Industries and National Cadet Corps, one representative of University, two persons amongst Principals of teachers training, Medical, Agriculture and Veterinary Colleges, an expert in Physical Education, two Inspecting Officers of Education Department, eight persons representing Heads of High Schools, one person representing academic interests and members and two State Legislators nominated by the Speaker of the State Vidhan Sabha.

13. Tripura Board of Secondary Education, Abhoynagar, Agartala, Tripura West, consists of President and twenty two members namely Directors of Education, Agriculture, Health,
Principal of Engineering College, one principal each of women college, Non-government college, Basic Training (State Teacher Training) College, State Institution of Education, Polytechnic Institute, two heads of High and Higher Secondary Schools, three teachers, three representatives of State Legislative Assembly. One person of academic interest, and two persons having expert knowledge of courses of secondary education are co-opted.

14. In Tamilnadu State, two Boards have been established for regulating education of school stage as under:-

a) Board of Secondary Education, Madras (Class X).

b) Department of Government examination (Class XI)

Tamilnadu, Madras.

The Board of Secondary Education, Tamilnadu, Madras, has been established under the authority of Board of Secondary Education, Madras, Act, 1911.

15. Uttar Pradesh Board of High School and Intermediate Education, Allahabad, the biggest examining body of the world and the oldest examination Board in India, consists of Chairman (Director Public Instruction) and twenty six members representing Principals of Intermediate Colleges, High Schools, Engineering, Agriculture, Medical and Industries Department, Training Colleges, Universities, Members of State Legislature and minorities.
16. In West Bengal there are two bodies to look after the education at the School stages as under:

WEST BENGAL BOARD OF SECONDARY EDUCATION

West Bengal Board of Secondary Education was established under West Bengal Board of Secondary Education Calcutta Act, 1963 and headed by President. The new President Mr. Ranju Gopal Mukerjee assumed office of the President in place of Mr. Bhadesh Moitra whose term ended on March, 13, 1985. Mr. Mukerjee has been nominated by the Government of West Bengal for a term of 5 years. The Board regulates the education up to Class X, and conducts 10th class examination.

WEST BENGAL COUNCIL FOR HIGHER SECONDARY EDUCATION

West Bengal Council for Higher Secondary Education regulates education at 11th and 12th standard in the state. This Council is headed by President. Mrs. Anita Devi is the present President of the Council. She is perhaps the lone lady President of Boards of School Education or Councils of Higher Secondary Education.

17. Goa, Daman and Diu Board of Secondary and Higher Secondary Education, Goa, consists of: a Chairman, Vice-Chairman and six ex-officio members and twenty seven members representing Legislative Assembly, University, teachers.

and educationists. All the members are nominated by the State Government.

18. Mizoram Board of School Education, Aizawl, consists of a President and twenty three members representing State Education, Agriculture, Health, Public Works, Industries teachers Departments, College and Universities, Head Masters of Middle, High Schools, Legislators, Lady Educationists, two distinguished educationists besides Secretary of the Board.

19. CENTRAL BOARD OF SECONDARY EDUCATION, NEW DELHI

Board of High School and Intermediate Education Rajputana, including Ajmer-Marwara, Central India and Gwalior was established in 1929 by a resolution of the Government of India, with its headquarters at Ajmer. The Board consisted of Chief Commissioner, Ajmer-Marwara as the Controlling Authority, with a total membership of 38 including representatives of the administered areas and States within its jurisdiction. In 1950-51, the name of the Board was changed to Board of High School and Intermediate Education, Ajmer-Bhopal and Vindhya Pradesh. In 1952, the Board was given the present name: Central Board of Secondary Education and its constitution was amended in 1952 and 1953 to extend its jurisdiction to part C States and Part D territories. In 1962, the Delhi Board of Higher Secondary Education was merged with the Central Board and all the educational institutions recognised by the Delhi Board were deemed as institutions
recognised by the Central Board. Subsequently the Union Territories of Chandigarh, Andaman and Nicobar Islands and Arunachal Pradesh joined the Board. Sikkim was the latest addition in it, following political integration of the state with India. The Central Board of Secondary Education has not been established under any statutory Act. But it is a registered body (corporate society) under Society Registration Act, 1860. (No. XXI of 1860).  

The Board functions under the overall supervision of the Controlling Authority which is vested in the Secretary (Education) Government of India, Ministry of Education and Culture, New Delhi. The Board functions through various committees and at the apex is the Governing Body consisting of 26 members. It is headed by the Chairman of the Board. The composition of the Governing body as on 30.9.1983 was as under:

i) Chairman  
ii) Vice-Chairman  
iii) Four representatives of the Ministry of Education & Culture, Govt. of India.  
iv) Five Directors of different States of India  
v) a. Director General of Health, New Delhi  
b. Director of Army Education, New Delhi.

1. Annual report Central Board of Secondary Education, New Delhi 1982-83 (pp.1, 3).  
2. Ibid (pp.5, 7).
c. Director, Birla Institute of Technology, and Science, Pillani.

d. Director, Central Institute of English, Hyderabad.

vi) Two Vice-Chancellors of Universities.

vii) Six Principals of affiliated schools.

viii) Commissioner, Kendriya Vidyalaya Sangathan

ix) Two Education Officers

Kendriya Vidyalaya Sangathan formerly known as Central School organisation has a network of imparting school education from standard 1st to 10th on a uniform basis throughout the country. In 1985, there were about 499 schools in the country affiliated to the Kendriya Vidyalaya Sangathan. Over 3.5 lakh students were on the roll and 22,000 teachers were serving in this organisation. According to the Commissioner of Kendriya Vidyalaya Sangathan, Cdr. Sat. Bir, the organisation had an annual budget of Rs. 55 crore to run these schools. Since 1980, the organisation is opening 50 to 60 schools every year. The proposal to open one school at the District level in the country is under consideration of the Ministry of Education.

Pay scales of the teachers working in these schools is on the central pattern. The two Pay Commissions namely
"Central Pay Commission and National Pay Commission on Teachers" are likely to submit their reports by the end of March, 1985. Pay scales of the Teachers working in the Sangathan are likely to be revised accordingly.

20. COUNCIL FOR INDIAN SCHOOL CERTIFICATE EXAMINATIONS
NEW DELHI

The Council for the Indian School Certificate Examinations was established in 1958 and is registered body (corporate society) under the Societies Registration Act No. XXI of 1860.

The Delhi Education, Act 1973, passed by Parliament in Chapter I under Definitions Section 2(s) recognises the Council as a body conducting public examinations. The Council was originally established by the University of Cambridge Local Examinations Syndicate with the assistance of the Inter State Board for Anglo-Indian Education. The Council consists of representatives of the Governments responsible for schools (which are affiliated to the Council) in their States/Union Territories; the Inter-State Board for Anglo Indian Education, the Association of Indian Universities, The Association of Heads of Anglo-India Schools; the Indian Public Schools' Conference; the Association of Schools for I.S.C. Examination and eminent educationists.

1. The Tribune, dt. February 2, 1985 (p.1) and Feb. 12, 1985 (p.4).

21. COUNCIL OF BOARDS OF SECONDARY EDUCATION IN INDIA (COBSE)

The need for a common forum for the progress and expansion of school education as well as the need of making it more improved and useful was strongly felt. In the absence of such a forum it was felt that each Board was functioning independently and they were not showing the experiences of each other. Thus to fulfill this need, an association of all the Boards was formed in 1971 which is known as Council of Boards of Secondary Education in India. All the Chairmen and Secretaries of Boards are members of this Council. This Council is an advisory body to the Government of India. It deliberates evaluation techniques and discusses important problems concerning curricula and standards of School education in general.

Above description of the composition of different Boards shows that some of the Boards do not provide adequate representation to the teachers, Headmasters and Principals of Secondary and Higher Secondary Schools, on democratic principles as has been provided in the Gujarat, Tripura and Goa Boards. An ideal Board should consist of Chairman, Deputy Chairman and the following members:

Ex-Officio members:


Elected members:

Three members of Legislative Assembly, four members to represent University, one Principal/Headmaster of High, Higher Secondary Schools, six Principals and six teachers of Secondary Schools and
two representatives of managements of secondary schools; all
elected by their respective Assembly, Academic Council and
Associations.

Nominated members:

Five members: One Principal/Headmaster and One teacher of
Secondary, High or Higher Secondary Schools, one Principal of
Secondary Teachers Training Colleges and two persons from amongst
reputed educationists, other than staff of college/schools.

And one representative of Board Employees Association.

2.6 CHAIRMAN/PRESIDENT OF A BOARD

Chairman or President means Head of the Board of
School Education or Board of Secondary and Intermediate
Education. He/She is the most important person in the
administration of any and every Board. He is over all incharge
of the Board and all functions of the Board are carried on in his name as per provision in the Acts under which these Boards have been established. With a view to getting a comparative idea of the appointment and powers and duties of the Chairman, the constitutions of these different Boards have been studied and their gist is given as under:

2.6.1 BIHAR BOARD

Bihar School Examination Board, Patna had been established under the authority of/School Examination Board Act, 1952.1 Vide Chapter I, Section 1' b' and Secion 4 of this Act, the Chairman is a whole time officer of the Board appointed by the State Government for a period of three years. The pay and allowances and other conditions of service of the Chairman are such as may be determined by the State Government. He is Principal Administrative Officer of the Board.

The Chairman is empowered to see that this Act and the rules and regulations made thereunder are faithfully observed. He convenes meeting of the Board and exercises such powers as may be necessary in accordance with the rules.

2.6.2 GUJRAT BOARD

Gujrat Secondary Education Board Act, 19722 provides vide Chapter 2, constitution, incorporation and powers of the

1. Bihar Gazette Ordinary of 1st April, 1952.
Gujrat Secondary Education Board. Vide Section 3(2) of this Act the Board consists of a Chairman and Deputy Chairman, both appointed by the State Government. They are appointed for a term of four years. The State Government can extend their term for a total period of eight years, whereafter they are not eligible for re-appointment. The salary or honorarium of the Chairman or Deputy Chairman is determined by the State Government. The State Government can terminate the appointment of the Chairman or Deputy Chairman at any time before expiry of the term.

A person shall be ineligible for appointment or continuing as a Chairman or a Deputy Chairman if he directly or indirectly by himself or his partner has or had any share or interest in any guide book published in connection with any text book prescribed for the secondary school certificate examination or any other examination as may be decided upon by the Board or entrusted to the Board by the State Government or has any share or interest in any work done by order of or in contract entered into by or on behalf of the Board, if he is a person against whom an order of removal from office has been made or if he has been adjudged by a court of law to be of unsound mind, is an indischarged insolvent or has been convicted by a court of law for an offence involving moral turpitude.

The Chairman can, at any time and on request of one third of the total members of the Board, call a meeting of
the Board. The chairman accepts the resignation of the members of the Board. Chairman or Deputy Chairman is member of various committees and also presides over their meetings. The Chairman or in his absence the Deputy Chairman presides over the meetings of the board. If both are absent, the sitting members elect a member from/amongst to preside over the meeting. The Chairman is to assure that the provision of this Act and regulations are faithfully observed and he has all such powers necessary for this purpose.\(^1\) It is the duty of the Chairman to give effect to the decisions of the executive committee, to convene and preside over all meetings, of the committee, of which he is the Chairman. The Chairman is empowered to sanction the purchases or hire of stores, stationery, furniture or other equipments required for the office of the Board, if the purchase price or hire charges exceeds Rs. 250 but does not exceed Rs. one thousand, to write off irrecoverable sums due in respect of stores, priced publications and unserviceable articles of dead stock, provided that the amount of dues or the value of the dead stock in each case does not exceed rupees two hundred fifty, to re-appropriate amount from one detailed budget head to another in consultation with the finance committee, if any, of the Board, without exceeding the budget amount. In an emergency, if the Chairman thinks, that some action is to be taken in the

\(^1\) Gujrat Secondary Education Regulations, 1974(Sec.3, p.2).
public interest, he can take such decision as he deems necessary and thereafter, shall report the action to the board at its next meeting. The Chairman can exercise such other powers and discharge such other duties as may be prescribed. The Deputy Chairman performs such duties as may be prescribed or as may be assigned by the Chairman. The Deputy Chairman in the absence of the Chairman, functions as Chairman and while doing so exercises all powers and performs all duties of the Chairman. The Chairman and the Deputy Chairman are entitled to take part in all proceedings of the Board, and of any committee thereof of which they are named as members, including the right of voting.1

The Secretary of the Board works under the orders of the Chairman. The Chairman and the Deputy Chairman appointed under this Act, are servants of the State Government2 and they draw salaries or honorarium and allowances from the consolidated fund of the State.

2.6.3 HARYANA BOARD

Board of School Education, Haryana, consists of a Chairman and Vice-Chairman to be appointed by the State Government. Vide Section 2, sub section (w) of Haryana Board of School Education Act, 19693 and amendment Act 1970 (Act

2. Central Civil Services Rules (CCA) 1965 Article 2(h).
No. 2 of 1970), the Chairman and Vice Chairman are appointed by the State Government on such terms and conditions as may be decided. A member must be a graduate of University of India or hold an equivalent qualification from any University outside India. The State Government appoints a person as Vice-Chairman of the Board upon such terms and conditions as it may think fit. Terms of office of a nominated member is three years according to Section 12 of the Act. The Chairman and Vice-Chairman are officers of the Board and Chairman is administrative Head of the organisation. He exercises all powers necessary and is responsible for carrying out the provisions of this Act and the regulations made thereunder. The Board of School Education Haryana with Headquarters at Chandigarh was established on January 31, 1970\(^1\) and Secretary to Government of Haryana Education Department was appointed the first Chairman of the Board.\(^2\) Later on the Board Headquarters were shifted to Bhiwani, a district headquarters in Haryana State.

2.6.4 HIMACHAL PRADESH BOARD

The Himachal Pradesh Board of School Education Act 1968\(^3\), Section 18 of Act, provides for a Chairman of the

\(^1\) Haryana Govt. Notification No. 90-21/HA-II/69 S3/70, dt. 31.1.1970.


\(^3\) i. Himachal Pradesh, Rajpatra, Extra dt. 28th Sept., 1968 (p.1037-1046).


Board to be nominated by the State Government. He shall be an eminent educationist having special experience of school education. The Chairman so nominated holds office for a term of three years and can be renominated for a second term. He is administrative head of the Board and it is his duty to see that this Act and the regulations made thereunder are faithfully observed and he has all powers necessary for this purpose. He calls for meetings. In emergency arising out of administrative business, the Chairman can take such decision and thereafter shall report to the Board in the next meeting. He presides over the meeting of the Board. The Director of Education is ex-officio Vice-Chairman of the Board.

Shri Kultar Chand Rana, M.L.A and formerly Advocate, was appointed the first Chairman of the Board. His appointment was challenged through a writ petition in the High Court of Himachal Pradesh. The petitioners Kanwar Durga Chand, Daulat Ram Chauhan, Members Legislative Assembly had challenged the appointment of the Chairman on the ground that the person, namely Shri Kultar Chand Rana was not an eminent educationist, as required under this Act. The brief history of writ is as under:

The petitioners contended "to issue a writ in the nature of mandamus directing the respondent No.1, to nominate an eminent educationist having special experience in school education as Chairman of the Board, and to elect a third person as member of the Board from amongst the members of legislative Assembly of Himachal Pradesh."
"The petitioners contended that Shri Kultar Chand Rana (respondent No. 3) does not possess the qualifications required by section 18(1) of the Act and as such he would not have been nominated as Chairman of the Board. They also contended that respondent No. 3 has been nominated by the Government as Chairman of the Board with a view to bring the whole educational set up in Himachal Pradesh under the direct control of the political party in power to which he belongs. His nomination, it is alleged, has thus been made with the collateral object of advancing the interests of the ruling party, is an abuse of power and is malafide."

The Learned Judges in their judgement said "If in the present case if the Government has preferred a member of the Legislative Assembly who belongs to the political party in power to a member who is either in opposition or who does not belong to that party or to some one who has no affiliation with any political party, the nomination cannot be challenged merely on the ground that it has been made with a collateral purpose in view or is a dishonest exercise of statutory power. The appointment of respondent No. 3 is neither to a judicial office nor is it an appointment to public service under the State. So long as the appointment satisfied the statutory requirements of section 18 of this Act, it is not open to attack in a court of law, whatever may be the chances of its being attacked in some other forum.

The term of Rana Kultar Chand as Chairman ended in 1972 and then later on Prof. Tapinder Singh, Major Krishna Mohini, Handyal were appointed as Chairman one after the other. Each of these three persons had political background and relations with the party in power. After the resignation of Mr. Handyal, Mr. Shamsher Singh Kanwar I.A.S. was appointed as Chairman of the Board in May, 1985.

2.6.5 JAMMU AND KASHMIR STATE BOARD

Vide Section 6 of the Jammu and Kashmir Secondary Education Act, 1965, the members other than ex-officio members of the Board, hold office for a term of three years. Vide Section 15 of the Act ibid, the Chairman, Vice-Chairman Secretary and other Officers as declared by Jammu and Kashmir Secondary Education Regulations, 1965 are officers of the


Board. The Vice-Chancellor of the University of Jammu and Kashmir is ex-officio Chairman of the Board. The Chairman is head of the Board and ensures that this Act and the regulations are faithfully observed and has all powers necessary for this purpose. The Chairman has power vide section 17 of the Act ibid, to seek a review of previous decision or decisions of the Board as he deems necessary. The Chairman can attend and speak at, and otherwise take part in any meeting of any committee of the Board but not entitled to vote. Educational Adviser to the Jammu & Kashmir Government or such other official as the Government may nominate, shall be the ex-officio Vice-Chairman of the Board.

2.6.6 MADHYA PRADESH BOARD

Vide Section 5 of Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965¹ and further amended by the Madhya Pradesh Madhyamik Shiksha (Sanshodhan) Adhiniyam, 1966² the Chairman is appointed by the State Government. The term of his office is normally five years. It is the duty of the Chairman to see that this Act and the regulations are faithfully observed and he has all powers necessary for this purpose. The Chairman can call a meeting of the Board by giving a notice of not less than twenty one days and is bound to do so, within a period of fourteen days of the receipt of a written requisition signed by not less than twenty members of the Board and therein

the business to be brought before the meeting. In any emergency arising out of the business of the Board which in the opinion of the Chairman requires that immediate action should be taken, the Chairman can take such action as deemed necessary and, thereafter should put up the case to the Board at its next meeting.

DIVISIONAL BOARDS

Vide Chapter III, Section 20 of this Act, in Madhya Pradesh, there are divisional Boards one each for Revenue Division and located at Revenue Division Headquarters. The Divisional Boards are further headed by Divisional Board Chairman. The Chairman of the Divisional Board is such a person as may be appointed by the State Government. He is also a member of the State Board.

2.6.7 MAHARASHTRA BOARD

After going through the Maharashtra Act No. XLI of 1965, establishing the Maharashtra Secondary and Higher Secondary Education Board and subsequent amendments namely,

Maharashtra 26 of 1969, 39 of 1971 and 6 of 1977, it reveals that there were following Boards serving the interest of school education in erstwhile state of Bombay.


1. Maharashtra Local Acts (p.9082.).


d) Vidarbha Board of Secondary Education.


Practically there were two main boards Maharashtra and Vidarbha operating in the State. The Bombay Government constituted a committee, "The Bombay Government Integration Committee"/recommended that there should be only one board for the entire State. Accordingly the Maharashtra State Board of Secondary Education was established under the Act XLI of 1965\(^1\). The Act was further amended vide Maharashtra Act No. 6 of 1977 to include Higher Secondary Education under the Board.

Maharashtra State Board of Secondary Education, Pune and Divisional Boards were established under the Maharashtra Secondary and Higher Secondary Education Board Act, 1965. There are three Divisional Boards at Poona, Nagpur and Aurangabad for revenue division of Poona, Bombay, Nagpur and Aurangabad respectively, as found under the Maharashtra Land Revenue Code, 1966. The Divisional Board is headed by the Chairman and has Secretary, Joint Secretary, Deputy Secretary, and officers and staff. Vide Section 5 of

the Act, the State Board provides, among other members, a Chairman. The Chairman of the State Board or Divisional Board is appointed by the State Government. His term of office is four years. He can be transferred from the Board to any other post under Government during such term and if any Chairman is supernumerated in the service of the Government he ceases to be the Chairman, unless his services are extended or he is re-employed in the service of the government and he is not transferred to other post. The State Government can extend the terms of the Chairman but it can not exceed in the aggregate eight years. The Chairman is a servant of the State Government and draws salary and allowances from the consolidate fund of the State. The pay and allowances and other conditions of service of Chairman of the State Board or Divisional Board are determined by the State Government. No person can be appointed Chairman or member of the State Board or Divisional Board if he directly or indirectly by himself or his partner has or had any share or interest in any text book published or has any share or interest in any work done by order of or in any contract entered into on behalf of the State Board or a Divisional Board, or if an order of removal from office has been made against him. Provided that a person who had any share or interest in any text book referred to above shall not be deemed to have incurred the disqualification if five years have elapsed from the date of publication of such book.
The Chairman of the State Board or a Divisional Board can at any time and upon the written request of not less than one third of the members of the Board, can call a special meeting of the Board within twenty one days after the receipt of such request by the Chairman.

It is the duty of the Chairman of the State Board and of each Divisional Board to ensure that the provision of the Act and the regulations and byelaws made thereunder are faithfully observed and he has all powers necessary for this purpose. In an emergency if a case which in the opinion of the Chairman of State Board or Divisional Board, requires that immediate action should be taken, the Chairman can take such action as he deems necessary and thereafter report his action to the Board at its next meeting. The Chairman exercises, supervision and control over Board affairs and performs other duties as prescribed by the Board or State Government.

Chairman of Maharashtra State Board is member (ex-officio) of all Universities situated in the State.

There are three Divisional Boards as under:

(a) Divisional Board, Poona Poona Revenue Division
(b) Divisional Board, Nagpur Bombay Revenue Division & Nagpur Revenue Division.
(c) Divisional Board, Aurangabad Aurangabad Revenue Division.

Efforts are afoot to establish Divisional Board at Bombay for Bombay Revenue Division.
2.6.8 MANIPUR BOARD

Vide Section 4 of the Manipur Secondary Education Act, 1972 and further amended by Manipur Secondary Education Act, 1972\(^1\) the State Government had established a Board for regulation and development of secondary education. Vide Section 5 of this Act, it is provided that "there will be full time Chairman appointed by the Government and members nominated. The names of persons appointed or nominated or co-opted as Chairman or members of the Board, shall be published by notification by the State Government. Nominated members shall hold office for a term of three years from the date of notification published provided that the state government may by notification, extend the terms of the office of all such members for a period not exceeding one year".

'A person shall not be eligible for nomination or co-option as member of the Board if he/she, has been adjudged by a court of law to be of unsound mind, is an undischarged insolvent, has been convicted by a court of law for an offence which is declared by the State Government to be an offence involving moral turpitude as provided in the rules. The State Government may remove any member nominated or co-opted, who remained absent on three consecutive meetings. Under rule 12 of this Act, the Chairman, Secretary and Controller of

1. (i) Manipur Act 7 of 1972, dt. 2.8.1972,
   (ii) Manipur Act 8 of 1973, dt. 20.3.1973,
   (iii) Manipur Act 11 of 1972 and
Examinations are officers of the Board besides certain other officers and employees as the board may consider it necessary for the efficient discharge of its functions.

2.6.9 MEGHALYA BOARD

Vide Section 4 of the Meghalaya Board of Education Act, 1973, the Director of Public Instructions, Meghalaya is the Ex-officio Chairman of the Board. The names of the persons nominated or co-opted as members of the Board shall be published by notification by the State Government. The terms of office of nominated members is three years provided that the State Government may by notification extend the term of office of all such members by a period of not exceeding one year. Vide Section 7 of this Act a person shall be ineligible for nomination or co-option as a member of the Board or of the committees if he/she is adjudged by a court of law to be of unsound mind or is convicted by a court of law for any offence, involving moral turpitude. The sitting member on earning the above mentioned disqualifications ceases to be a member.

Secretary of the Board is also member of the Board. He is appointed by the State Government. The Chairman has powers to convene meetings of the Board and he exercises such other powers as may be necessary to carry out the provisions and rules of the Act, and to implement the decisions of the Board.

In emergency the Chairman can take action but he has to report the action taken to the Board in its next meeting.

2.6.10 PUNJAB BOARD

Vide Section 2 of the Punjab School Education Board Act, 1969 dated the 25th November, 1969. The Board consists of a Chairman, Vice-Chairman and

(a) Ex-officio members namely:

i) Vice-Chancellors of all the Universities, established or that may be established by law in the State.

ii) Director of Public Instructions, Punjab.

(b) Nominated members namely:

i) Five persons amongst principals of colleges affiliated to any university established by law in the State, members of Punjab Education Service, Class-I and District Education Officers in the service of the State Government, and heads of institutions of whom at least one shall be a Principal of a college of education, one Principal of Arts or Science College, one head of a high school and one head of a higher secondary school.

ii) One eminent scholar or writer or scientist, as may be decided by the State Government.

The Chairman and the Vice-Chairman are appointed by the State Government upon such terms and conditions as it may
think fit. The term of office of Chairman or Vice-Chairman is three years and of nominated members two years from the date of publication of the notification, making their appointments or nominations provided that an outgoing member shall, unless the State Government otherwise directs, continue in office till the appointment or nomination of his successor is notified.

The term of office of an officer of the State Government sent on deputation as Chairman or Vice-Chairman is such as may be fixed by the State Government but in no case exceeds three years. No person is appointed as Chairman or Vice-Chairman unless:

(a) He has served the Central Government or State Government or both on a gazetted post for a period of not less than fifteen years, or

(b) he has an experience of teaching in any school, college or university established by law in India, or partly in any other of the aforesaid institutions for a period of not less than twenty years, out of which he should have served as Principal of a College or Registrar or Head of Department of such a University for a period of not less than five years, provided that this condition will not apply to the officer of State Government who is sent on deputation as Chairman or Vice-Chairman.

In Punjab School Education Board, following were
appointed as Chairman since 1977:

Sh. Bharpur Singh
Sept. 12, 1977 to October, 1984
Sh. Harjyal, I.A.S
October 5, 1984 to December 23, 1983
Prof. Harbax Singh
December 23, 1983 still continuing

2.6.11 RAJASTHAN BOARD

Vice Section 4 of Rajasthan Secondary Education Act, 1957, the Board consists of: a Chairman and other members nominated in accordance with section 16. According to section 16 of this Act the Chairman is nominated by the State Government from among a panel of three persons recommended by a committee consisting of two persons elected by the Board and one person nominated by State Government who acts as convener of the said committee. The Chairman so nominated holds office for a term of three years and can be re-nominated for a second term. The Chairman is Administrative head of the Board. It is his duty to see that this Act and rules and regulations made thereunder, are observed and he has all powers necessary for this purpose.

The Chairman can, at any time and at prescribed intervals or on receipt of a requisition signed by not less than one third of the total number of members of the Board and stating the business to be brought before the Board, call a meeting of the Board in the prescribed manner. In any emergency arising out of the administrative business of the

Board, if in the opinion of the Chairman, it requires that immediate action should be taken, the Chairman takes such action as he deems necessary and thereafter reports the action to the Board at its next meeting. The Chairman presides over every meeting of the Board in which he is present. The Director of Education (Primary and Secondary) Rajasthan is ex-officio Vice-Chairman of the Board.

2.6.12 TRIPURA BOARD

Vide Section 4 of the Tripura Board of School Education Act (No.12) of 1973 the Board consists of a President and eleven ex-officio members and fourteen other members to be nominated by the State Government. There are following officers of the Board:

a) The President
b) The Vice-President
c) The Secretary and
d) Such other officers as may be declared by regulations to be the officers of the Board.

Nominated members hold office for a period of three years from the date of publication of the notification. This term can further be extended by one year.

The President, one of the officers of the Board, is a whole time officer appointed on contract service by the Government on terms and conditions agreed to between the
person selected and the Government, provided that the Government may appoint the Director of Education as Ex-officio President of the Board in addition to his duties as Director of Education at the initial stage or may place the services of a Joint Director of Education for appointment as the President of the Board on a whole time basis till such time a suitable person is available for appointment as the President of the Board on whole time basis on contract service. The President is appointed for a period of three years and it can be further extended for a period of three years.

The Board ... as soon as may be, after its establishment and thereafter at each annual meeting, elects one of its members to be the Vice-President. Vide Section 10(5) of the Act¹, the Vice-President holds office until the annual meeting next following election and is eligible for re-election.

2.6.13 UTTAR PRADESH BOARD

Vide Section 3 of Intermediate Education Act, 1921, Director of Public Instruction is ex-officio Chairman of the Board of High School and Intermediate Education, Uttar Pradesh. He is one of the officers of the Board. It is the duty of the

Chairman to see that this act and rules and regulations made there under are faithfully observed and he has all powers necessary for that purpose. He has power to convene meetings of the Board at any time or on a requisition signed by not less than five members of the Board and stating the business to be brought before the meeting. In an emergency, the Chairman can take action and report that action to the Board at its next meeting. He also exercises other powers as prescribed by regulations.

2.6.14 GOA, DAMAN AND DIU BOARD

Goa, Daman and Diu Board of Secondary and Higher Secondary Education was established under the Secondary and Higher Secondary Education Board Act, 1975. Vide Section 2 of the Act ibid there is a provision for appointment of a Chairman of the Board. According to Chapter III Section 7, the Chairman of the Board is appointed by the Government. The person so appointed should possess second class Master Degree of a recognised University and possess teaching experience of not less than 20 years in the field of education. The Chairman holds office for a period of four years. This term can be extended upto aggregate period of eight years. The Chairman is a servant of the Board and his service conditions, pay and allowances are determined by the State

1. Intermediate Education Act, 1921 (pp.274,283).

Government. No person can hold office of Chairman after he completes the age of sixty years.

The Government appoints a Vice-Chairman, from amongst the members of the Board to exercise the powers and duties of Chairman in his absence of not less than one month.

The Chairman is principal academic and controlling officer of the Board and presides over the meetings and convocation of the Board. He is ex-officio member and the Chairman of Executive Council, Academic Council and Examination Committee. The Chairman convenes meetings of Board and other Committees. It is the duty of the Chairman to see that the provisions of this Act, are faithfully observed and for this purpose he has all powers necessary for this purpose. In an emergency, he can take such action as may be warranted under the peculiar situations and take decision subject to the approval of the Board. He is Principal Executive Officer and regulates the work and conduct of officers and members of the administrative and ministerial staff of the Board in accordance with the provisions of this Act, and the rules and regulations made thereunder.

2.6.15 Mizoram Board

Under Mizoram Board of School Education Act 1975, the Mizoram Board of School Education looks after

the regulation, supervision and development of school education in Mizoram in accordance with the provisions of this Act. The Secretary to the Government of Mizoram Education Department or such other authority of the government as may be decided, is controlling authority of the Board. Vide Section 4, the Board consists of President and other members. Vide Section 15, the President is appointed by the Government. He is a whole time officer appointed on contract basis for a period of three years. This term can further be extended for one term only. President convenes meetings. In emergency the President can take action as he deems fit but report his action to the Controlling Authority and to the Board at its next meeting.

There is duplication of functions and powers of Controlling Authority and President. It appears that there are three authorities including Board exercising similar powers. The President exercises such other powers as may be prescribed by regulations. Vide Section 16(1), the Board at each annual meeting elects one of its members to be the Vice-President, who holds office until the next meeting. The Vice-President can send his resignation to the President. The President or in his absence Vice-President presides over the meeting of the Board and can vote in any manner and exercise a second or casting vote in every case of equality of votes. President can delegate all or any of his powers to the Vice-President and also cancel delegation of powers.
2.7 SECRETARY OF BOARD OF SCHOOL EDUCATION

In different Boards, the Secretary is appointed on deputation basis, in different manners and with different emoluments. A comparative view of the position of Secretary in various Boards is as under:

2.7.1 BIHAR BOARD

Vide Bihar School Examination Board Act, 1952, and the Bihar School Examination Board Rules, 1963, the Secretary of the Board is a whole time officer and is appointed by the State Government from amongst its officers, belonging to the cadre of class I of the Bihar Educational Service, possessing at least five years of teaching, inspecting or administrative experience. The Secretary is appointed on deputation basis for a period of three years. In addition to his pay and allowances admissible under rules, he is paid a special pay of Rs. 150/- p.m. and provided with suitable rent-free residential accommodation by the Board. He is entitled to travelling allowance as admissible to his class under State Government rules.

2.7.2 GUJRAT BOARD

Subject to the control of the Chairman, the Secretary is the Executive Officer of the Board, and all other officers and servants serving in the Board are subordinate to him. He can attend the meetings of the Board but can not vote. State Government can delegate power to Chairman or Secretary of the Board to make appointments of such classes of servants as is considered necessary. The Secretary of the Board is a government servant for the purpose of Section 21 of Indian Penal Code. He draws salary or honoraria and allowances from the state revenue or the consolidated fund of the State. His pay and allowances and other conditions of service are determined by the State Government. The Board pay every year out of its fund to the State Government the pay and allowances of the Chairman, Deputy Chairman, Secretary and other staff of the Board.

2.7.3 HARYANA BOARD

Vide Haryana Board of School Education, Act 1969 the Secretary is appointed by the State Government on certain terms and conditions prescribed. No set principle has been followed in the appointments in the past. Previously the officers of state education department of the rank of District Education Officer or Deputy Director of Education were appointed to this post. Currently an officer of the State Civil Service (Haryana Civil Service) has been appointed as Secretary of the Board.
2.7.4 HIMACHAL PRADESH BOARD

Vide Section 22 of the Himachal Pradesh Board of School Education Act, 1968, the Secretary is appointed by the State Government on such terms and conditions and for such period as the Government may determine. The names and the tenure of service of the persons who served as Secretaries of this Board is as under:

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<tr>
<th>S.No.</th>
<th>Name</th>
<th>Tenure</th>
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<tr>
<td>8.</td>
<td>D.S. Guleria</td>
<td>2.3.1983 to 30.4.1983</td>
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<td>10.</td>
<td>F. Manmohan</td>
<td>27.7.1983 to 31.5.1985</td>
</tr>
<tr>
<td>11.</td>
<td>C.R.B. Lalit, H.A.S</td>
<td>31.5.1985 to-date</td>
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It is a practice that the officers of state education department are appointed as Secretary for a period of two years.

They are treated on deputation and return back after the expiry of the term, irrespective of their educational qualifications or taste in academic or examination work.

Various educationists, public men and employees of the Board have suggested that the officers appointed as Secretary be man of education and appointed on permanent basis.

2.7.5 JAMMU AND KASHMIR BOARD

Vide Section 20 of the Jammu and Kashmir Secondary Education Act,19651, the Registrar of Jammu and Kashmir University, in addition to his own duties, acts as the Secretary of the Board and performs such duties as are delegated to him under the Act and regulations. The Secretary is Chief Executive Officer of the Board. He is responsible for preparation of annual estimates and statements of accounts, conduct official correspondence, make arrangements for conduct of examinations, of course subject to the control of the Board. Secretary is entitled to attend and speak at any meeting but not entitled to vote thereat.

2.7.6 MADHYA PRADESH BOARD

Vide Madhya Pradesh Board of Secondary Education Act, the Secretary is appointed under the rules made by the State Government. The qualifications, conditions of appointment and service and salary is such as approved by the State Government.

2.7.7 MAHARASHTRA BOARD

Under Maharashtra State Board of Secondary and Higher Secondary Education Act, the Secretary is appointed by the State Government. He is subject to the control of Chairman, and all other officers and employees of the board work under his command. He is government servant and draws salary from the consolidated fund of the state. His pay and allowances are determined by the State Government. Normally an officer from state education department is appointed on deputation basis to man this post.

2.7.8 MANIPUR BOARD

Vide Manipur Board of Secondary Education Act, the Secretary is appointed by the State Government. He is principal administrative officer of the Board. He is also ex-officio member of the Board. His qualifications, terms and conditions of appointment and pay and allowances are decided by the State Government. He is also principal executive officer of the Board.

2.7.8 A MEGHALYA BOARD

Vide Meghalya Board of Secondary Education, Act, the Secretary is appointed by the State Government. Subject to the control of the Board and President, he is chief administrative officer. He can attend meeting but not entitled to vote.

2.7.8 B NAGALAND BOARD

Under Nagaland Board of School Education Act, the Secretary is appointed by the State Government.
2.7.9 PUNJAB BOARD

Under Punjab School Education Board, Act, the Secretary is appointed by the Board. He is a principal executive officer of the Board and authenticate all orders and decisions of the Board. His pay and allowances and educational qualifications are decided by the board. He can serve up to the age of superannuation.

2.7.10 RAJASTHAN BOARD

Vide Rajasthan Board of Secondary Education Act, the Secretary is appointed by the State Government on such terms and conditions and for period as may be decided by it. He is chief executive officer of the Board.

2.7.11 TRIPURA BOARD

Vide Tripura Board of Secondary Education, Act, the Secretary is appointed by the State Government on such terms and conditions of service as decided by the State Government. Subject to the control of the President, he is chief administrative officer of the Board.

2.7.12 UTTAR PRADESH BOARD

Under Board of High School and Intermediate Education Uttar Pradesh Act, the Secretary is appointed by the State Government for such period and on such terms and conditions as may be decided by the State Government. He can
be removed from office by the votes of three fourth members present at a special meeting of the Board at which not less than one half of the total members of the Board are present. He subject to the control of the Board, is chief administrative officer of the Board. He is entitled to attend meetings of the Board and speak but not vote.

2.7.13 WEST BENGAL BOARD

Under West Bengal Secondary Education Act 1963, 37 of 1963 and West Bengal Board of Secondary Education Rules 1963, the Secretary of West Bengal Board of Secondary Education is appointed by the Government. Vide Section 45 of the rules ibid, the Board is empowered to determine terms and conditions of appointment, scale of pay and rules of discipline relating to the Secretary of the Board.

2.7.14 GOA, DAMAN AND DIU BOARD

Act

Under Goa, Daman and Diu Board, the Secretary is appointed by the State Government who should possess the following educational qualifications and other pre-requisites.

He should possess a Second Class Bachelor's Degree of a recognised University in Arts or Science and Bachelor's degree in Education with experience both in teaching and administration of not less than 15 years, or

He should have held a responsible post not below the rank of an Education Inspector in Education Department of any State Government or the rank of Assistant Secretary
or its equivalent in any state Board of Secondary Education
or the rank of Assistant Registrar or its equivalent in
any university for not less than five years.

Next to the Chairman, Secretary is the over all
incharge of the Board to exercise discipline and control
over its staff. Secretary is government servant and draws
salary from the consolidated fund of the territory.

2.7.15 MIZORAM BOARD

Vide Mizoram Board of Secondary Education Act,
the Secretary is appointed by the State Government on terms
and conditions decided by the State Government. Subject to
the control of the Board and President, he is chief
administrative officer. He can attend meeting but not
entitled to vote.

SUGGESTIONS

The Secretary of the Board should have the following
educational qualifications and experience:

i) Bachelor's Degree in Education and

ii) 15 years teaching experience or a member of the
    Education Faculty of the University.

These educational qualifications and experience
requisites must be clearly mentioned in the Acts of the
Boards so that there is clear picture before the appointing
authorities with regard to the appointment of Secretary, on
the line of Goa, Daman and Diu Board of Secondary and
Higher Secondary Education Act, 1975, Section 9.

He should be a permanent officer of the Board. He should be provided facilities like residential accommodation, special pay etc. peon, driver, vehicle, telephone etc. at his residence for enabling him to discharge his normal official duties efficiently.

Due to ambiguity in the Acts, sometimes the service matters lead to litigation. The researcher studied various cases of litigation. For instance Secretary of West Bengal Board of Secondary Education, Calcutta was appointed by the Board. Later on the Government of West Bengal terminated his services. The petitioner filed writ in the high court but the same was dismissed.¹

¹ State of West Bengal versus Bishwanath Benerjee, A.F.OO No. 185 of 1967 Dt. 23.7.1968, AIR 1969 Calcutta 175 (V 56 C 33).