CHAPTER V
PERSONNEL, DECISION-MAKING AND CONTROL-RELATION

In Orissa, education at all levels is controlled and managed either by the State Government direct or through agencies controlled by the State. The administration of education in Orissa and administration of educational structures in the State are controlled by the Government and constitute a part of the public service of the State. The normal efficiency associated with the public service of the State of Orissa is reflected mutatis mutandis in these two fields also.

Prof. M.V. Pylee writes, "The standard and efficiency of any country depend ultimately on the calibre, training and integrity of the members of the public Service". In the changed circumstances their role has assumed more importance and Dr. Herman Finer describes the Civil Servants as the "sovereign factor in administration".

Max Weber writes, "The decisive reason for the advance of bureaucratic organisation has always been its purely superiority over any other form of organisation". He speaks about eight features of bureaucracy. Those are, (1) Defined and fixed jurisdictional area, (2) hierarchy and graded levels of authority, (3) Written documentation, (4) office

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1) Rudolph and Rudolph - quoted above, P.1 to 20.
3) Herman Finer: Theory and Practice of Modern Governments, P.723.
management, (5) Unconcerned with the result of activity, (6) specialisation in rules and technicalities of management. Every bureaucracy is to be assessed from this viewpoint.

Prof. Carl J. Friedrich views the matter from another angle and identifies six primary criteria of bureaucracies. These are, (1) differentiation of functions, (2) qualification for office, (3) centralisation and integration of control and supervision, (4) objectivity, (5) precision and consistency or continuity and (6) discretion. The effectiveness of each bureaucracy or any section of it may be examined from this viewpoint or the combination of these two representative shades of opinion. In the central Secretariate at Delhi, Orissa Secretariat at Bhubaneswar and in the Directorates at Bhubaneswar, file-work is being done and in the same style. But the question is whether there is any difference in typology, intensity, nature, purpose and procedural rigidity between the activities of the bureaucracy in the Orissa Secretariat, Education Directorates and the Sangit Mahavidyalay (a structure standing between these two structures). There have been two different views on the matter. One view is that there is no difference between general administration and educational administration. Both are branches of the one Science of administration and hence, no differentiation between the two is necessary. This view has been advocated by J.B. Sears. The other view states that despite certain


7) J.B. Sears, "The Nature of the Administrative Process", 
similarities between general administration and educational administration, there are a lot of differences between both. Even though both the systems of administration are concerned with planning, direction, coordinating and controlling, both are different from the viewpoint of their goals. This view has been advocated by P.R. Mort.\(^8\)

Between these two views, the latter view appears to be more acceptable. Though educational administration has many areas common with general administration, because of goal perception, it has a small but vital area of difference from general administration. When general administration deals with structures intended to achieve a fairly variable goal, employs devices which are variable; educational administration deals with structures which have rigidly fixed goals, employs devices which are not variable, a process which is supposed to be well-planned and can be worked out only by well-equipped technicians. Basing upon these two representative views many other views have also come up\(^9\). However the following four basic conclusions may be drawn.

1) Administrative function cannot be abstracted from other functions of educational organisation. An educational admini-

R.F. Campbell in J.T. Wahlquist and others, quoted above, P.212.  
strator must be a teacher, scholar and educator.

2) Educational administration is a specialised administration in the broad spectrum of public administration.

3) There is the need for a managerial revolution to have specialists in educational administration.\(^{10}\)

4) Educational administration means general administration plus some specialised administration needed for administration of education.

In the educational administration, with its subtle areas of differences from general administration, its recruitment of personnel, staffing pattern, role-relation and control-relation between the personnel of different grades, is planned accordingly. Whether it is administration of education in the institutionalised form in the Society, or administration of authority on those who are associated with the earlier description of administration of education, a hierarchy of graded authority as spelt out very clearly by Max Weber, always exists. Hence, it will be more appropriate and desirable to proceed on with ascending order of the hierarchy. Here every teacher is an 'administrator' who administers education but only some of them are educational, civil servants or educational bureaucrats or potential bureaucrats.

**PRIMARY SCHOOLS**

The bottomest structure is the Elementary Schools. In this two-tier system, the lowest tier consists of the primary

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schools. Teachers of these schools are also adult education teachers. They are not government employees. They are recruited by a Committee headed by the Inspector of Schools. The Inspector of Schools prepares a list of suitable persons and teachers of these schools are chosen by the concerned appointing authorities out of that list. They hold transferable posts, but transfer takes place within the fixed and defined area like that of a Community Development Block.

They are governed by at least two agencies. They are governed by Sub-Inspector of Schools who is professionally their supervising and Controlling Officer. They are also controlled by the B.D.O. or the Executive Officer, Municipality as the case be. Similarly, adult education teachers are controlled by Social Education Officer and the District Adult Education Officer.

These employees are entitled to pay and allowances though as decided by the Government from time to time, but they are not Government employees. Teachers with three or four years of experience prefer to join as Peons in Class IV of the State Service (menial establishment)\(^{11}\) because the Service under the

\(^{11}\) A School teacher working for four years in a Primary School preferred the post of a Peon in a Private college and being asked by the Investigator, stated that it could not be possible on his part to maintain a better profile and dignity than that of peon in the Society with equal money income and less real income than that of a Peon.
Government is pensionable and is more attractive than that of a teacher. Even though recently certain retirement benefits have been made available to them, the quantum of such benefit is much lower than the benefits available to the menial staff under the State Government.

The primary teachers are also engaged for many unspecified work. They are all-purpose non-Government employees of the State Government who are more faithful to the Government than are their regular employees. They are engaged in census work, election duties, flood relief, illiteracy eradication campaign, blood-donation campaign, training in Scouts, red-cross, fire-fighting and civil defence etc.

They work like menials, not voluntarily but under compulsion. Sometimes they receive orders from the menials who are less-educated. They are forced to project artificially, a dignified profile (which is not their own) in the public and glorify and idealise education and learning before the students in the class and in the school. They arrange 'Guru Puja' on Teachers' Day on charitable contributions of students (collected by them after a lot of persuasion) and force students to 'offer' him 'Puja' lest a report cannot be sent.

The most wretched, dilapidated and repulsive structure in the village is the primary school. Similarly, primary

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Gunnar Myrdal writes, "The low income level of primary school teachers is largely a reflection of their traditionally low social status", Asian Drama, 1735.

school teachership represents institutionalised humiliation or "institutionalization of inferiority" of John Son's\textsuperscript{13} conception. Normally people donot come to this job; hence competition and pressure for this job is the minimum. It is a service having no promotional avenue. They have no ambition and hope to rise upwards. They are so lowly that they have no fear to fall.

The job of teachers in primary education is the single largest factor of politicization of education in the State. These ill-paid wretched employees, living hand to mouth take up a 'main profession' and teachership becomes a part-time side profession for them. Apprehending direct or indirect attack on the main profession, and thus, on the economic back-bone, they align themselves to one local political elite of the party in power who acts as benefactor. Obligation entails due returns before and during elections. This action experiences equal and opposite reaction. Thus, the whole process of politicization becomes complete. Since politicization of children occurs in early age, these teachers provide the principal ingredients of faculty politicization.

These teachers are not involved with decision-making process. They follow the syllabus and teach lessons from books prepared by the Government.

MIDDLE ENGLISH SCHOOLS

Education at M.E. School level is a part of the elementary schooling. Sometimes some M.E. classes are also

\textsuperscript{13) Harry M. Johnson, "Sociology", P.19-20.}
appended to the primary schools and sometimes those are with the High Schools also. Again there are exclusive M.E.Schools as well. There is no uniform rule of appointment. If M.E. classes are a part of a non-Government High School, the teachers are slightly more qualified and academically equipped and are chosen out of the list drawn up by the Selection Board. Such teachers are sponsored by the Inspector on behalf of the Director of Schools. If they constitute a part of the primary school, they are appointed by the concerned appointing authority out of the panel drawn up by the Inspector. Their pay etc. are dependent upon their qualifications in each case and the nature of post they hold. But from the viewpoint of status and position, they are not very different from the teachers of the Primary schools. In case of Government M.E.Schools selection is made in accordance with the Orissa Subordinate Education Service (General Branch) Rules, 197215.

As regards their control relations, the Sub-Inspector has no control over them if they are in the M.E.School, but can exercise control if they are with the U.P.School. On the other hand, M.E. Schools can be inspected by District Inspector of Schools and Deputy Inspector of Schools. But if the M.E. classes are with the High School, the Inspector alone has

14) D.E.Apter, "Introduction to Political Analysis", P.273-274.  
the jurisdiction to inspect. These schools teach the courses determined by the Orissa Secondary Board.

In this structure of schools promotional facilities are absolutely limited. A qualified Assistant teacher may in course of time become the Head Master. If the M.E. Section is tagged with a High School, the teacher may improve the qualification to become a teacher of higher grade. But this is again dependent upon the nature of the management of the School.

These teachers are not involved in decision-making. They follow the syllabus framed by the Secondary Board and follow the books prepared or approved by the Board.

**GOVERNMENT HIGH SCHOOL**

All types of High Schools, Government and non-Government are affiliated to the Orissa Secondary Board. Both the types of schools and their different types of teachers prepare the students for the same examination.

At the High School stage in Orissa, there are not only two types of schools, Government and Non-Government, but also two broad divisions into Men's Branch and Women's Branch in each type. Similarly, in Government schools, both the branches are further subdivided into Government High Schools and taken-over High Schools. Teachers of each type of school constitute a cadre as shown by the following figure.
High Schools

<table>
<thead>
<tr>
<th>Government</th>
<th>Non-Government</th>
</tr>
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<tbody>
<tr>
<td>Regular</td>
<td>Taken over*</td>
</tr>
<tr>
<td>Men's Branch</td>
<td>Women's Branch</td>
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</tbody>
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*Previously known as Full Deficit Schools.

In the Government Service in Orissa at the School level there are four types of Service, (a) Orissa Educational Service School Branch Class I, (b) Orissa Educational Service School Branch Class II, (c) Orissa Subordinate Educational Service (General Branch), (d) Orissa Subordinate Educational Service (Women's Branch). The last two categories of Services are sub-divided into "regular" and "taken over" Sub-cadres. Since the "taken over" process is not a regular and recurring process and the officers of that cadre are also retiring gradually, in near future the cadre may cease to exist, but there has been constant demand of these officers to get due justice from the Government. Some of these officers have earned promotions, but their promotion prospects and rules are not clear.

The regular teachers of all categories of the Government schools are recruited to the Orissa Subordinate Education Service (Men's Branch or Women's Branch, as the case may be) by the Committee specially formed under the Orissa Subordinate Education Service (General Branch) Rules, 1972.16.

The Selection procedure is a two-stage process, (a) written Examination under Rule 6 of the Rules and (b) An interview under Rule 10 A of the Rules.

The selection takes place once every year and the list of candidates is prepared out of which vacancies are filled up in order of merit. These teachers are appointed to the Junior cadre of the Orissa Subordinate Education Service and may be appointed as Head Masters of M.E. Schools, Assistant teachers of High Schools and Sub-Inspectors etc. ¹⁷

From the Junior cadre, the trained Graduate Officers having three years' experience are also entitled to promotion to the Senior cadre. For this purpose every year in the month of April the promotion Committee meets and draws up a list that remains in force for one year. The Committee consists of the Director of Schools ¹⁸ (known till mid-April, 1983 and under the Rules as Director of Public Instruction, Schools), the Director, SCERT (known previously and under the Rules as Principal, State Institute of Education) ¹⁹, a Principal of a Training College and the Establishment Officer of the School Directorate. The Officers of the Senior cadre constitute the

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¹⁷) Rule 3(3) of the Orissa Subordinate Education Service (General Branch) Rules 72.

¹⁸) In April 1983 three Directorates were reorganised to be known as the "Director Higher Education", "Director Schools" and "Director, Primary Education".

important bulk of the Subordinate Educational Service. They may be appointed as the Head Masters of High Schools and the Training Schools, Deputy Inspector of Schools etc. In accordance with these Rules mutatis mutandis recruitment is made to Women's Branch also.

The next step on the ladder is the Orissa Educational Service Class II (Gazetted) (School Branch) under which all District Inspectors of Schools, Head Masters and Head Mistress of Class II status are included. A part of these posts are filled up by promotion from the Orissa Subordinate Educational Service (Senior Branch) on the recommendation of the Orissa Public Service Commission and the other part by direct recruitment by the Orissa Public Service Commission. The qualification and other conditions of eligibility, the rules of seniority disqualification for employment, nature and duration of probation etc. have been stated in the Recruitment Rules framed in 1971.

At the Class II stage of the School Branch of the Orissa Educational Service there are two sub-cadres of the

20) Rule 3(4) of the "Rules" quoted above.
21) With necessary changes Orissa Subordinate Education Service (Women's Branch) Rules, 1972 has been framed.
22) Rule 4(b) of the Orissa Education Service (Recruitment to School Branch) Rules, 1971.
23) Rule 6 to 9 of the Rule quoted above.
O.E.S. Officers enlisted on the Civil List like their counterparts in the College Branch. Similarly, for the School Branch of the Orissa Educational Service Class II and for Subordinate Educational Service, there has been provision for reservation of posts for the Scheduled Bastes and Scheduled Tribe candidates. But in case of women, when O.E.S. Class II makes no separate recruitment and only reserves some posts, the Subordinate Education Service makes separate recruitments.

All the Officers enjoy benefits and suffer from disabilities under all the rules of the Government of Orissa framed under Art.309 and 311 of the Constitution. These Rules include Orissa Service Code, Orissa Government Servants' Conduct Rules, Orissa Leave Rules and Orissa Civil Service (Classification, Control and Appeal) Rules, 1962. All these teachers retire in accordance with rules governing Government officers of the State. The number of Senior officers in the School Branch is much less, but they monopolise a very large proportion of Superior posts.

24) Ibid, Rule 11.
25) The Orissa Education Service (Recruitment to School Branch) Rules does not make any separate Rule for Women.
26) The Orissa Civil Service (Classification, Control, Appeal) Rules, 1962 was framed by the Governor under Art.311 of the Constitution of India.
NON-GOVERNMENT HIGH SCHOOLS

The Non-Government High Schools are more and they constitute about seventy percent of the High Schools. Before 1969, there was no law regulating the service of these employees. The Orissa Education Act\(^27\) passed in the year 1969 provides some legal basis to the employees of aided institution to rely upon.

Under Section 10(2) of the Orissa Education Act a Selection Board has been constituted (though it has been made really effective only a decade later) to recruit employees of all types of aided (Private) educational institutions. It also provides protection against wrongful removal. Under Section 10A (added in 1974) of the Act, no removal is legal without the approval of the Inspector of Schools. And inspite such consent of the Inspector, if the aggrieved employee feels that his removal is illegal he has legal right to appeal to a standing Tribunal functioning for the purpose. Hence, other rules necessary for the purpose like Orissa Education (Recruitment and conditions of Service of Teachers and Members of the staff of Aided Educational Institutions) Rules\(^28\), and Selection Board

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28) The Orissa Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institutions) Rules, 1974, were framed by the Government
(Discharge of Functions) Regulation, 1976\textsuperscript{29}, Orissa Education
(Leave of Teachers and Other Members of the staff of Aided Educational Institutions) Rules, 1977\textsuperscript{30} etc. have been framed. These Rules and Regulation determine the Service conditions of the private School teachers.

Under the Orissa Aided Educational Institution Employees (Common cadre and Inter transferability) Rules, 1979\textsuperscript{31}, the employees are subject to transfer and their promotional avenues have also been decided. Under the Orissa Education (Management of Private college) Rules, 1979\textsuperscript{32}, they have

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  \item under Section 27(1) read with Section 10 of the Orissa Education Act, 1969. These Rules were notified in Extraordinary Gazette No.232 dated 12.2.74 and came into force with effect from 1.4.75.
  \item The Government of Orissa framed these Rules in exercise of powers under Rule 4(7) of the Orissa Education (Recruitment and conditions of Service of Teachers and Members of staff of the Aided Educational Institutions) Rules, 1974. These were notified vide Gazette No.1916 dated 1.12.76.
  \item These Rules were notified vide Orissa Gazette No.741 dated 30.5.77.
  \item It was resisted initially by the teachers, but subsequently they reconciled to it.
  \item Even though the Rules have been framed to provide uniformity in the field of appointment for Governing Bodies of non-Government institutions, the Rules are so flexible that any type of management can be fitted into it. Interested parties, who were beneficiaries of the old system, have
\end{itemize}
a standardised pattern of management and they are also entitled to same retirement benefits under the Orissa Educational Institutions (Employees retirement Benefit) Rules, 1979\textsuperscript{33}. But particularly, the benefits of transfer are not available to the teachers sponsored by the Government out of the panel decided by the Selection Board for the schools established by the minority Communities under Article 30(1) of the Constitution of India.

All High Schools, irrespective of their management, follow the books, teach the courses according to the syllabus prepared by the Board of Secondary Education, Orissa.

**NON-GOVERNMENT COLLEGES**

In 1960, there were only three non-Government colleges in Orissa. In 1960-62 a number of institutions came up. The staffing pattern and the recruitment of teaching personnel in all these colleges were not identical. There were no Rules and in another sense there was a jungle of rules, as every non-Government college laid down its own rules. Such a state of affairs continued till 1969 when the requirement could be met partly after the enactment of the Orissa Education taken advantage of it. Even some times for months together the private colleges are being managed without Governing Body.

33) These Rules have been amended in April, 1983 to confer more benefits upon the employees.
Act. As stated earlier in connection with the recruitment of personnel of the non-Government High Schools a number of rules like Recruitment etc. Rules, Selection Board Rules, Leave Rules, Retirement Benefit Rules and Education Tribunal Rules etc. were framed.

Now a Selection Board selects the teachers and non-teacher employees of the non-Government colleges. But all these benefits have not been made available to the employees of the non-Government institutions as matter of course. Rather, in the face of lukewarm resistance from the Government they have created crisis for the administration and stress situations for the Government and have snatched away by phases from the Government all benefits. The Government could have been more decent to themselves and to these employees had they taken action in time. Even after the Education Act was passed, the Government did not constitute any Selection Board and made a series of adhoc appointments. Amidst crisis situations in 1978 the Government by a validating Act regularised all such whereas similar employees in Government adhoc appointment/service were continuing on an adhoc basis.

34) These Rules were published on Extraordinary Gazette No.48 dated 12th January, 1978.

35) The Orissa Aided Educational Institutions (Appointment of Teachers second validation) Act, 1978 - Orissa Act 27 of 1978. It was notified vide Notice No.16887 dated 16.10.78 on Gazette No.1465 dated 17.10.78.
Before 1979, employment as teachers in private colleges did not follow any fixed pattern. Some private colleges, particularly those established in 1960, 1961 and 1962 were recruiting personnel of really very high standard and the trend continued till 1965. Many brilliant people either because of personal difficulty or to avoid transfer or due to personal liking or attachment, joined non-Government colleges in preference to Government service. Because of increase in demand, at all levels and because of local politics standards had to be deluted and formal selection was avoided. Act of the legislature was considered to be the safest course to regularise appointments which otherwise would have been illegal.

Non-availability of rules not only provided opportunity to the management of the non-Government institutions to apply their own standard, but also to the officers of the Government machinery to take advantage of it. For instance, in a certain subject, there were twenty vacancies in non-Government colleges and a certain candidate failed to secure any position above sixty, i.e. the last position of candidates prepared and kept in reserve. An officer of the Directorate picked up fancy for the candidate. He asked a certain management to request the Directorate to send a candidate in the particular subject having certain grounding, (say swimming as a hobby), The said officer of the Directorate did not release the grant till a request of that nature was available. Thus an appointment was made from

36) Eventhough the Education Act was passed in 1969, the Rules of Recruitment were framed in 1979.
outside the Merit list. As a result, fairly brilliant persons securing 20th position or above were deprived of jobs and the persons not getting even sixtieth position got into the service by fraudulent means. This appointment was regularised by the validation Act.

The Selection Board functions as the Public Service Commission for the private colleges. It invites applications, conducts the examination in accordance with its Regulation, conducts interview\(^37\) of the candidates and draws up a list. Out of that list, the Director concerned sponsors candidates for the non-Government colleges. In 1979, the State Government have framed common cadre Rules with a view to exercise power to prepare grounds for transfer of the teachers of non-Government colleges. Now the teachers of Private colleges and schools may be transferred from one non-Government school or college to another.

The teachers of non-Government colleges enjoy promotional benefits exactly in the same manner in which their counterparts in the Government enjoy the benefit. Since 1972, equalisation of pay and allowances between the teachers of Government and non-Government colleges have been accepted on principle.

\(^{37}\) Regulations of the Selection Board for the (conduct of its business and discharge of its functions) Regulation 1976. This was notified vide Gazette No.1916 dated 1.12.76.
pies, whatever benefit is conferred upon the teachers of the Government colleges is equally being extended to the teachers of the Private colleges now. When on principle, the posts of Readers were created in all subjects providing for Honours teaching in the affiliated colleges, the benefit was equally extended to non-Government colleges also. Taking advantage of this position some managements appointed Readers in large number and thus the post lost all significance as a post providing incentive. When the posts of Readers were abolished vide Government Notification No. 32737/EYS, dated 30.9.77 the teachers of the private colleges also lost the benefit. Some cases of claim for promotion, fixation of pay, hearing of appeals are pending before the Government for years and those have become sore point of non-Government college teachers.

Formation of a common cadre has created many problems. For example, teacher who joined as Lecturer in History in Simanta College in 1964 became a Reader in 1972 and thus becomes a senior to a Lecturer in History in Charampa College who joined as a Lecturer in 1961 and continues as Lecturer because the management of Charampa College was law-abiding and did not appoint any Reader due to non-availability of Government sanction. Some cases of promotion to Readership by the management of the college has been recognised by the Government whereas in some other cases these have not been recognised. For reasons of these sorts, the number of writs before the Hon'ble Orissa

38) Section 4(d) of the Notification.
High Court is increasing 39.

Principalship of non-Government colleges has been a delicate problem. Some of the old private colleges have appointed their own employees as Principals. The experiment does not appear to be very pleasant. Unless the employees are made transferable and a senior teacher from one college joins as Principal of another college, simple elevation of one employee of the college as its Principal of the same college can only multiply and aggravate the problem 40. Those young teachers who have not yet enjoyed the forbidden fruit madly run after it and move the Government through the association not to deprive them of their legitimate due transplanting a Government officer on deputation as Principal.

Government officers, who are posted to private colleges as Principal on foreign service terms and conditions of the Orissa Service Code, join private colleges under compulsion only and if they fail to avoid it. The poor Government officer loses link and some practical benefits under the Government and is treated by the teachers and management of the non-Government college as an unwelcome stranger, an intruder, a

39) For example O.J.C.No.181/1983 has been filed recently.
40) The two employees of private management who have been confirmed as Principals of their respective colleges, have been officiating as Principals from the inception of the institution concerned.
foreign element to be expelled out. If the Secretary enjoys some illegal benefits in shape of secretarial or manual assistance without payment or some other material advantage which the law-abiding Principal fails to allow students, teachers, staff and all occasions are diverted against the stranger to bid him a premature farewell. Such a Principal in order to survive there, must dilute rules, norms and adopt compromises of worst type. He can not act as an administrator, but as an object of administration. The moment he behaves like an educator and an administrator, his days are numbered.

The Government have also appreciated this difficulty. But the question is whether a Director or some body of his sort can take the risk involving about 175 thousand rupees every month per college for ten or twelve big colleges and can entrust it to private persons on whom he has no control. The type of political decision necessary to tackle this problem, has not been taken at top levels.

All schools and colleges have a Governing Body each in accordance with the provisions of the Statutes of the University, Orissa Education Act and the Orissa Education Code. Law 171(a) of the University Statutes, make provision for Governing Body for all colleges, but Section 7 of the Orissa Education Act makes it compulsory for private colleges. The Governing Body has no real significance in Government colleges, but inspite of elaborate grant-in-aid rules, appointment through Selection Board, provision for appeal before the Education Tribunal against wrongful dismissal, still the management of non-Government colleges has some significance. If the management of a private college is superseded before the completion
of the tenure, aggrieved individuals do not hesitate to run to the Court. On the other hand persons try their best and canvass at the higher circles to be the Secretary of the college. There is also a dangerous precedent of persons continuing as self-styled Secretary after the expiry of the term and force Principals to recognise them as such. Similarly, Presidency of the private college Governing Body is another sore point. In the absence of a standardised pattern, occasionally (as in case of colleges under the Sambalpur University) the Government/appointing a Civil S.D.O. (then of Class II status) as the President when a Principal is a Class I Officer on deputation. Thus tension points were unnecessary being created. Even after the Civil S.D.Os. were made Class I, the problem did not change at all as the question of rank in the Government hierarchy remained.

It is interesting to note that in certain cases where the S.D.O. does not have minimum qualification to be a Lecturer, becomes more particular to enjoy powers, probably due to some complex.

In Orissa, many private colleges are guilty of commission of financial impropriety of same form or the other. As stated earlier, Secretaryship at the initial stage may be regarded as a gainful whole-time profession. The Government control over the finance and financial dealings of private colleges is faculty and there are many outlets not visible to the law of the land.

The audit staff of the Directorate audit the accounts and between 1961 and 1971 it was regular. But because of increase

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41) D.P.I.'s memo No.1457 dated 15.1.73 and Audit Report No.13/1970-71 may be regarded as two examples.
in the number of colleges, and the volume of expenditure through them, it has not been possible to continue regularity of audit. In spite of audit interested parties have succeeded in short-circuiting the accounts process in the past. Now that accounts of these colleges are being audited once in three or four years, the nature and contents of leakage have naturally assumed more importance. The Investigator has collected information that in the past concerned agencies of the Government have been made to overlook the irregularities in account matters on extraneous considerations.

GOVERNMENT COLLEGES

Teachers in Government colleges are divided into three broad categories and all the three categories constitute a service known as the Orissa Educational Service College Branch. Another branching out of this Branch was also made in 1965, and the intention was to provide suitable hands for honours teaching in the Women's colleges. It was felt that unless the Women Officers are classified as an intelligible class, choosing some of them for promotion in exclusion of the senior members of the general cadre, could be violative of Constitutional provisions relating to Services. Rules of promotion framed in 1971 by the Governor of Orissa under proviso to Art. 309 of the Constitution for the first time gave the bifurcation of school Branch and the college Branch a legal

42) The other Branch is School Branch.
colour, but the so-called Women's Branch of the College Branch has not yet been legally created or recognised. This bifurcation, if legally accepted, might do more harm to the Women's Branch than good.

The three categories of teachers in the Government colleges are known as Lecturers, Readers and Professors. The Lecturers are appointed to various subjects on the recommendation of the Public Service Commission of the State and they constitute Class II of the Orissa Educational Service College Branch. The qualifications for Lectureship in different subjects being different, the Orissa Public Service Commission prepares a Gradation list of Lecturers in each subject chosen during a particular year and appointments are made by the Government, serially out of the said list. But the Lecturers in different subjects (having different qualifications) chosen by the Orissa Public Service Commission in a particular year are also classified and pulled together (on request by the Government) in another Gradation list and are inducted into the Orissa Educational Service Class II. It is interesting to note that interse seniority of Lecturers who were chosen by the Public Service Commission in 1958 and joined various Government colleges of the State as Lecturers in their respective subjects,

43) In 1979, the posts of so called junior Lecturers were created. But the Orissa Public Service Commission has not advertised the posts and has not recommended any list for appointment yet.
could not be determined till 1971. After the Orissa Public Service Commission was reconstituted four times, some papers could be reconstructed and a gradation list was prepared. The legality and authenticity of the Gradation list has been challenged.

The aggrieved parties have challenged the Gradation list incorporated in the Civil List and no decision has been taken yet. Those who challenged the gradation list questioned the legality and reasonableness of comparison between officers having same career and attainment but having M.A. or M.Sc. degrees in two different subjects. In particular, they have challenged the reasonableness of comparison between the marks awarded by two different experts who might have asked two or three questions in two different subjects to two different persons. In short, it is an attempt to compare persons who are not comparable and to classify some persons in one class who donot have same qualification and same nature of job.

The next type of posts in the Orissa Educational Service (College Branch) to which all Lecturers belong, is those of Readers. Till 1971 there were no rules governing the creation of the post of Readers and posts of Readers were being created whimsically and were being filled up by promotion as it is being done in case of Professors now. For this purpose

44) Reportedly documents were not available and Gradation list could not be prepared. When the documents were 'discovered', the list was constructed. As quite natural he had a number of defects.

45) In 1982 a huge amount of money was spent to print a gradation list to remove the defects of the Civil list. But
of promotion, Orissa Educational Service Class II College Branch was not a cadre and all Lecturers constituting an intelligible class of Orissa Educational Service Class II were not being considered as similarly circumstanced within the meaning of Art. 14 and Art. 16 of the Constitution of India. Serial No. 104 on the Civil List, a Lecturer in Oceanography could be considered for the post of Reader in Oceanography and after being a Reader could become senior to his controlling officer or his one-time teacher and senior serial No. 5 who was a Lecturer in Life Science and had no opportunity to be considered for promotion to Readership. In such circumstances, peculiarly, 'demotion' of aggrieved Officer (No. 5 in the instant case) does not attract Art. 311(2) of the Constitution as interpreted by the Orissa Government.

It is true that for teaching posts every subject is a cadre out of which promotions are to take place. An officer earning a promotion in a particular subject may become senior to others in the same subject as they were considered for promotion along with him and thus the requirement of natural justice is met. But if a junior officer earning a promotion in his own subject becomes senior to his one-time seniors in other subjects, the Gradation list was more faculty than the Civil list.

46) The views of the Government on the Gradation list is confusing. For certain purposes (according to convenience) the Civil list is regarded as Gradation list. In certain other occasions 'speciality' is taken as Gradation list. This confusion is duly reflected in Government Counter to writ applications. Counter to 0.J.C. 181/65 may be taken as an instance.
particularly when the seniors were not considered along with him for promotion, the requirement of natural justice is never met. This is a position which has not been understood by the Government yet.

This problem would not have risen at all if either personal promotion scheme had been introduced or if the chances of promotion could have been of a definite proportion of the sub-cadre based upon the subject. But the colonial legacy generated a peculiar type of sadism and corrupt practice in the matters of promotion. People at the top create posts provide justification for promotion according to their sweet will. For instance, Serial No. 115 on the Civil List, who is serial No. 3 in Mathematics is to be promoted in exclusion to many others. At the first instance a proposal is to be sent and decision be obtained to provide the post of a Reader for each subject teaching Honours classes in a college. In the next stage submit a proposal for Honours in Mathematics in three colleges and serial No. 115 gets a Readership in preference to many others in Class II including his seniors in other subjects.

In order to get rid of this difficulty, the Governor framed rules of promotion to the posts of Readers and Professors etc. but since the basis of creation of posts has not been

47) These numbers and subjects are not real, but the nature of problem is very much manifested.

48) The Orissa Education Service, Class I (Recruitment to College Branch) Rules, 1971, notified by the Education Department Notification No. 19637 dated 19.7.71.
legally laid down, the subjective elements and inequality of opportunity in the matters of promotion continue to exist. This practice has generated another problem also. After some selected persons are promoted if more vacancies exist, and in accordance with the accepted basis some younger persons (whom somebody at the top does not want to be promoted) are likely to get the benefit, the base-year formulae is created or experience criterion is raised up.

The rules of promotion framed in 1971 under Article 309 of the Constitution indicates that eighty percent of the posts of Readers are be filled up by promotion and twenty percent by direct recruitment. But no post has been filled up by direct recruitment yet. However, new posts are being created on Honours basis but all posts are not being filled up and the base-year concept in shape of 'inter-se' seniority has been enunciated to take away the benefits of some young teachers who are eligible for promotion.

The next higher rank in the Orissa Education Service is that of Professor. This post is a promotion post to be filled up by Readers who are in Class I of the O.E.S. College Branch. In the matters of promotion to the posts of Professors injustice and unfairness are more marked than in other two stages of the

49) Rule 4(1)(a) of the Rules quoted above.
51) There had been no advertisement of the posts of Readers between July, 1971 and September, 1977, (when the U.G.C. scale was introduced and the posts of Readers were abolished).
Service. For the purpose of promotion to the post of Professor, Orissa Education Service Class I is never taken as a cadre within the meaning of Art.14 and Art.16 of the Constitution. But strangely enough, for the purpose of control-relation, it is a cadre. As in case of Readership, Professorship is associated only with P.G. Teaching. All P.G. teaching colleges in a subject are not similarly circumscribed. All students studying P.G. in a subject in all colleges of the State do not enjoy the privilege of being taught by Professors. Annexure IV of the Prospectus for 1982-83 indicates that eighteen colleges of Orissa indicate that there are eighteen college Teaching Post Graduate courses out of which two colleges teach P.G. classes in two subjects, three core colleges of the three Universities teach P.G. in more than eight subjects. But Professorship is confined to these three core-colleges only. Hence, all subjects do not have the posts of Professors in Government colleges, all subjects donot have proportionate claim for Professorship and all P.G. students do not have right to be taught by a Professor. As Professorship is a necessary pre-condition for consideration for superior administrative posts under the Service non-avai-

52) Annexure IV to the Prospectus for the year 1982-83 at Page-
53) The subjects those no posts of Professors are (a) Political
Science, (b) Philosophy, (c) Anthropology, (d) Sanskrit
(e) Geology, (f) Hindi, (g) Bengali, (h) Urdu, (i) Home
Science. There are about two hundred teachers in Political
Science including thirty five posts of Readers.
54) A Professor having specialised knowledge on a branch of
Zoology or Economics or Oriya language and no experience
lability of the posts of Professors in all subjects and non-availability of equal chances of promotion at all stages for all persons contravene the provisions of Art. 14, 16 of the Constitution and entail punishment under Art. 311(2) of the Constitution (as the Orissa Educational Service is being considered as one cadre). This legal requirement has not been understood by the Government yet.

The whole system is a clique. Introduction of P.G. teaching is a planned effort. It includes the choice of the college and a particular subject. Manipulation, favouration and corruption are the guiding principles. There are provisions for P.G. teaching in certain subjects in certain colleges to which no student or teacher normally likes to go and Professor's posts are never created in those colleges. If P.G. teaching is introduced at such places in exclusion of the places where infra-structure for P.G. teaching exists; the motive of the medium-range executive who takes this decision becomes very clear. If no check is possible at other stages, and its evil effects on the subject, teaching, students' future, prospects of future teaching are experienced, ultimately the morale of

in administration may become Directors. A Director had sixteen months of experience as a Principal and during that period there were two summer vacations, other normal vacations and holidays, two major acts of indiscipline and two strikes. Sometimes persons who have shirked responsibility in administration and have avoided Principalship of big colleges have been rewarded with superior administrative posts.

55) Prof. L.D. White says, "Morale is an inner passion of an
the whole administration of education becomes weak and the divid-
ing line between administration and conspiracy narrows down. In an multi-functional institution, wherein group-activity is
an indispensable feature, co-existence of beneficiaries of the
conspiracy and their victims leads to institutionalisation of
inferiority. If the teaching community has failed\textsuperscript{56}, the teacher
in him has failed and the bureaucracy has succeeded.

At the stage of Professor, the criteria of elimination in the guise of qualification are many and varied type. As
this post happens to be the stepping ground for superior adminis-
trative posts in the hierarchy of the Orissa Educational Ser-
vice, in addition manipulation in terms of choosing subject and
college for M.A. teaching, sanction of post and determination
of existence of qualification are also used as two additional
handles. If somebody is to be eliminated or to be made junior
as compared to another officer, the sanction of his post would
be delayed for a year or so and the post of other person to be
favoured is released, immediately. Even though they are similarly circumstanced, the bureaucrats at the top fail to understand

\textsuperscript{56} R.P.Singh, "The Indian Teacher", Preface.

He further says, "Morale is both an index index of a sound
employment situation, and a positive means of building up
an efficient organisation", P.450.

L.D.White: Principles of Public Administration.

Lucian Pye states, "People who have been disappointed two
often cannot be effective agents for the great and demanding
task of nation-building".

Lucian Pye: Aspects of Political Development, P.76.
the legal implications of it. There are instances to show that appointments have been made without posts being created. Sometimes, Professors are transferred to other posts to create vacancies artificially in order to provide opportunity to particular candidates for promotion.

Qualification has also been used as another handle. The rules of promotion framed in July, 1971 laid down certain qualifications for the post of Professor. When the Government abolished Professorship by Notification No. 32737 dated 30th September, 1977, the clauses relating to promotions and qualifications were by implication repealed. When the Government implemented the U.G.C. Scale of pay, they implemented the qualifications laid down by the U.G.C. and the pay indicated by them. But in 1981, when the Government revived the posts of Professors again they revived it in the U.G.C. Scale of pay but not with the qualification suggested by the U.G.C., but with their own qualifications. The qualifications laid down by the Government are very vague. Had this qualification been methodically implemented in the past, Prof. Harold J. Laski, Prof. Satyen Bose and Prof. Parija could not have been professors.

This qualification again has not been uniformly followed. If 'Ph.D.' is necessary requirement, between 1971 and 1982 a dozen of officers have been appointed as Professor without Ph.D. and during the relevant period a dozen of Readers having Ph.D. degree have been rejected in preference to non-Ph.D. Readers for the posts of Professors in various subjects. As Professorship is the launching base for educational bureaucratic structure, manipulation of all sorts with a view to eliminating all, particularly a sizable number persons on different pretext
is made in order to confer benefit on a selected few among whom elimination process would be easier. The Investigator has noted with concern that between 1952 and 1982 no individual has been a Director straight because of his seniority in O.E.S., and merit and qualification without enjoying any extra favour or edge over his one-time seniors.

There are innumerable instances to show that the cadre list in the Orissa Educational Service Class II is faulty and the bases of promotion to Class I of the Service are also equally faulty. Eventhough there are three different forms of promotion, all are faulty, in as much as none of these three forms of promotion combine the needs of the student community, provision for incentive to the deserving teachers, meeting the Constitutional provisions relating to services and the requirements of natural justice. In case of promotion to the post of Professor, the injustice is fragrant and naked. In a nutshell, there is no rule of law in the management of personnel of the Orissa Educational Service. The whole promotion system in the College Branch of the Orissa Educational Service is unsound and arbitrary.

Prof. V. Venkat Rao writes, "Promotions are given with a view to reward faithful and meritorious Service, to

57) Rule 4(d) of the Notification.
58) Notified on Gazette No.20 dated 15th May, 1981 vide No.21903 IIIEA (1) 19/81-EYS, at P.95.
retain men of potential ability in service and to place such persons in positions where they may render valuable service". But in Orissa in many cases promotions are given to reward personal loyalty at the cost of Public Service, to check out men of potential ability and to place such sub-standard persons in positions wherein only 'YuPfpPn' may be posted.

Like all employees of the Government of Orissa, the teachers are governed by the Orissa Government Servants' Conduct Rules, 1959. The Conduct Rules include prohibition on "criticism of Government". The explanation to this prohibition is not specific and it does not specifically include exemption to attempts intended for studying a system, or research on a particular field or bonafide suggestions for improvement. These rules also include "Unauthorised communication of information". The provision does not indicate any exemption. Hence, publication of research findings based upon certain informations collected regarding activities of the Government are intended to be exempted, though no specific mention has been made. These conduct Rules prohibit "strikes etc." But as these are the outcome of lapses on part of the Government, "strikes etc."

60) Notified vide Notification No. 4767 (Gen) dated 7th April, 1959.
62) Rule 11 of the said Rules.
63) " Strikes etc." under Rule 8 of the said Rules.
have become an accepted pattern of behaviour of Government servants of all categories including teachers and potential teacher-bureaucrats, and the Government have accepted this "fait accompli". There are also restrictions in taking the help of courts to vindicate the employee's character\(^{64}\).

These little bureaucrats supposed to be administering 'education' among students, obey at least two masters. One Master is the complex bureaucracy consisting of teacher-bureaucrats of the Gandhi Bhawan\(^{65}\), the bureaucracy of the Orissa Secretariat. Sometimes difficulty arises if their orders become contradictory. The little bureaucrats (and potential teacher-bureaucrats) also obey the University, the second master. A third master in the plus Two Board is likely to exercise control after July, 1983.

All teachers of the three categories (Class XI, Class I and Superior Class I) are governed by the Orissa Civil Service (Classification, Control and Appeal) Rules, 1962. In application of these rules also the treatment is not always similar in similar circumstances. There are cases of exemption of certain favoured employees from the operation of the Rules.

\(^{64}\) Art. 23 of the Rules. But it does not prohibit a Government servant from vindicating his private character or any act done by him in his private capacity.

\(^{65}\) 'Gandhi Bhawan' houses all the three Directorates of Orissa Education Department.