

# The

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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 2053-L.—19th August, 2005.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

## **West Bengal Act XIV of 2005**

### **THE WEST BENGAL SCHOOLS (CONTROL OF EXPENDITURE) ACT, 2005.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 19th August, 2005.]*

*An Act to provide for the control of expenditure in the schools in West Bengal.*

WHEREAS it is expedient to provide for the control of expenditure in the schools in West Bengal and the matter connected therewith or incidental thereto;

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

1. (1) This Act may be called the West Bengal Schools (Control of Expenditure) Act, 2005.
- (2) It extends to the whole of West Bengal.
- (3) This section shall come into force at once and the remaining sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different sections or for different areas.

*The West Bengal Schools (Control of Expenditure)  
Act, 2005.*

(Section 2.)

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “approved” means approved by the Director or his authorised officer;
- (b) “Board” means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963; West Ben. Act V of 1963.
- (c) “Board of Madrasah” means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994; West Ben. Act XXXIX of 1994.
- (d) “Council” means the West Bengal Council of Higher Secondary Education established under the West Bengal Council of Higher Secondary Education Act, 1975; West Ben. Act VIII of 1975.
- (e) “Director” means the Director of School Education, West Bengal;
- (f) “District Level Inspection Team” means the District Level Inspection Team constituted under sub-section (1) of section 8;
- (g) “Madrasah” shall have the same meaning as defined in clause (h) of section 2 of the West Bengal School Service Commission Act, 1997; West Ben. Act IV of 1997.
- (h) “non-teaching staff” means a member of the staff other than a teacher of a school;
- (i) “notification” means notification published in the *Official Gazette*;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “recognised” with its grammatical variations, used with reference to a school, shall mean recognised or deemed to have been recognised under—
- (i) the West Bengal Board of Secondary Education Act, 1963, or
- (ii) the West Bengal Primary Education Act, 1973, or West Ben. Act XLIII of 1973.
- (iii) the West Bengal Council of Higher Secondary Education Act, 1975, or
- (iv) the West Bengal Board of Madrasah Education Act, 1994;
- (l) “region” means a region as specified under sub-section (2) of section 3 of the West Bengal School Service Commission Act, 1997;
- (m) “school” means—
- (i) a recognised non-Government aided—
- (A) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in secondary education, or
- (B) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or
- (C) Madrasah, or
- (D) Primary Teachers’ Training Institution; or
- (ii) a recognised non-Government institution which has been imparting instruction in secondary education or higher secondary education or madrasah education and receiving grant from the State Government in the form of dearness allowance for its teachers and non-teaching staff.

*Explanation I.*—“Aided” with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers and non-teaching staff of that school.



*The West Bengal Schools (Control of Expenditure)  
Act, 2005.*

(Sections 3, 4.)

*Explanation II.*—“Basic pay” shall mean the monthly pay of a teacher or non-teaching staff of a school, which corresponds to a stage in the time-scale of pay of the post held by the teacher or non-teaching staff in that school.

*Explanation III.*—“Secondary Education” shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

West Ben. Act V  
of 1963.

*Explanation IV.*—“Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

West Ben. Act  
VIII of 1975.

- (n) “school authority”, in relation to a school, means the governing body, managing committee, *ad hoc* committee, administrator or any other body, by whatever name it is called, which is charged with the management of the affairs of the school;
- (o) “State Government” means the Government of West Bengal in the School Education Department;
- (p) “teacher” means an Assistant Teacher or any other person, holding a teaching post in a school on a regular and whole-time basis and is paid from the fund under the control of the State Government and includes a Headmaster or a Headmistress;
- (q) “unaided school” means a recognised unaided school to which no financial assistance has been sanctioned by the State Government;
- (r) “West Bengal Board of Primary Education” means the West Bengal Board of Primary Education established under the West Bengal Primary Education Act, 1973.

West Ben. Act  
XLIII of 1973.

Application.

3. This Act shall apply to schools other than,—

- (a) a school not in receipt of any financial assistance from the State Government; or
- (b) a Government school:

Provided that the State Government may, if it considers necessary in the exigencies of public service, exempt any school from the operation of this Act for such period as it may think necessary.

*Explanation.*—“Government school” means a school maintained and managed by the State Government, the Government of India, or the Railway Board under the Ministry of Railway, Government of India.

4. (1) Save as otherwise provided in sub-section (2), no school authority shall,—
- (i) create any teaching or non-teaching post involving any financial liability on the State exchequer; or
  - (ii) appoint or engage any teacher or non-teaching staff; or
  - (iii) regularise the service of any person, who has rendered service on any casual or part-time vacancy on contract or any other basis, against any permanent teaching or non-teaching post of a school; or
  - (iv) revise the pay or allowances of any teacher or non-teaching staff; or
  - (v) grant any special pay or allowance or other remuneration under any description whatsoever including *ex gratia* payment or any other benefit, having financial implication, to any person holding a teaching or non-teaching post; or
  - (vi) incur, except as prescribed, expenses for any development scheme,

without previous sanction of the State Government.

Previous sanction  
of State  
Government for  
appointment etc.

