

CHAPTER III

MANAGEMENT OF PRIVATE SCHOOLS

1. **Classification of Private Educational Institutions-** Private Educational Institutions may be classified into two categories viz (i) those under individual Educational Agency and (ii) those under Corporate Educational Agency. Where the right to conduct the school is vested in an individual in his own right or as the legal representative of a joint family, the Educational Agency shall be termed 'Individual Educational Agency', and in all other cases the Educational Agency shall be termed 'Corporate Educational Agency' Corporate Educational Agency shall include cases where the right is vested in (a) two or more persons jointly with written registered agreement (b) a Board or Society or Association or Company or institution registered under a statute or created by a statute (c) an institution of Trust and (d) an ecclesiastical office of any religious denomination.
2. **Constitution of Corporate Management-** In the case of institutions under corporate Educational Agency, the constitution of the Educational Agency to the extent and in so far as it relates to the management of any school must be subject to rules approved by the ¹[Director] which should prescribe among other things (a) the manner in which the proprietary body shall carry out its functions relating to the management of the institutions and (b) the manner in which the managing body shall be elected or appointed, the conditions and tenure of their office and their duties and powers with respect to the management of the institution. In the case of aided schools, the manner of appointment of managers also shall be specified in the rules. Such rules shall not be against the provisions of the Education Act, the rules issued under it, or any other rules passed by the Department or the Government. Any change made in such rules subsequently shall be subject to approval by the ¹[Director] before becoming operative.
3. **Management to be vested in a Manager -** (1) The Management of every aided school may be vested by the Educational Agency in a person who shall be referred to as the Manager and who shall be responsible to the department for the management of the institution.

(2) In the case of aided institutions under individual management the individual proprietor may be the Manager.

(3) In the case of aided institutions under Corporate management the proprietary body may choose the Manager in accordance with the rules in that behalf referred to in Rule 2.

(4) The Educational Agency shall be bound by the acts of the Manager.

4. Approval of appointment of Managers - (1) The Educational Officers shall be competent to approve the appointment of Managers by Educational Agencies and to approve changes in the personnel of the Managers.

²[(2) If the Educational Agencies have schools in more than one Educational District within a ³[Revenue District] the appointment of managers and changes in the personnel of the managers may be approved by the ³[Deputy Director (Education)] having jurisdiction in the ³[(Revenue District)] if the Educational Agencies have schools in more than one ³[Revenue District] the appointment of managers and changes in the personnel of the Managers may be approved by the Director of Public Instruction].

⁴[(2A) The approval of appointment of Managers and Changes in the personnel of the Managers under sub- rules (1), and (2) above shall take effect from the date of actual assumption of charge of the management specified in the order of approval issued by the competent authorities concerned].

⁵[(3) Any person aggrieved by an order of the Educational Officer under sub-rule (1) or of the ³[Deputy Director (Education)] under sub-rule (2) may within 30 days from the date of receipt of the order prefer an appeal to the Director.

(4) Government may, on their own motion or otherwise, revise any order passed by the Director of Public Instruction].

5. Change of management - (1) All changes in the personnel of the Managers of aided institutions shall be immediately reported to the Educational Officer and approval obtained.

(2) Appointments and changes approved by the Educational Officer shall be reported to the Director.

Note - The Rules 4 and 5 do not apply to change of management involving change of ownership ⁶[XXX].

7[5A. Change of management involving change of ownership - (1) Not with standing anything contained in these rules, no change of Management of any aided school involving change of ownership shall be effected except with the previous permission of the Director. The Director may grant such permission unless the grant of such permission will, in his opinion, adversely affect the working of the institution and the interests of the staff and the person to whom the Management is transferred.

(2) Any person aggrieved by an order under sub-rule (1) may, within 30 days from the date of the receipt of the order, prefer an appeal to the Government.]

⁸[(3) In the case of change of management of a school involving change of ownership the new Manager of a corporate or an individual Educational Agency, shall be bound to absorb any member who is a claimant under rule 51 A of Chapter XIV A or is eligible for protection belonging to teaching and non- teaching staff of any school of the transferor manager, against the vacancies that may arise in the school].

6. Correspondence to be carried on by Manager - All correspondence relating to the management of an aided school shall be carried on by the manager or a person appointed by him and approved by the Director*.

7. Action against Manager or Educational Agency in the event of mismanagement etc. - (1) In the event of mismanagement, malpractice, corruption or maladministration, gross negligence of duty, or disobedience of Departmental instruction on the part of the Manager ⁹[or denial of appointment to a qualified thrown out teacher who has a rightful claim for reappointment by virtue of his/her holding the post earlier or denial of promotion to a teacher who is rightful claimant for promotion by the manager] ¹⁰[or conviction of the Manager for an offence involving moral turpitude] it shall be open to the *Director, after giving the Manager a reasonable opportunity to show cause against the action proposed to be taken and after due enquiry, to declare him unfit to hold the office of Manager in the school or in any other aided school and to require the educational Agency to appoint a suitable person as Manager.

¹¹**Note** - The enquiry mentioned in this sub-rule shall not be necessary in the case of conviction for an offence involving moral turpitude by a court of law.

(2) Failure on the part of the Manager or the Educational Agency to obey the instructions issued by the Department in regard to the school matters

and the continuance in office of a person declared unfit shall be deemed to be sufficient causes for taking steps for the withdrawal of aid, grant and/or recognition of the institution concerned and also for the withdrawal of the permission granted for establishment of the same.

¹²[(3) In the case of Managers who have failed to provide their Schools with minimum essential facilities as specified under rules 9 and 10 of Chapter IV, it shall be lawful for Government to provide minimum essential facilities in such schools, after giving due notice to the Managers concerned and to recover the expenditure incurred therefor by Government from the Managers either by invoking the provisions of the Revenue Recovery Act for the time being in force as an arrear of land revenue or by deduction from the maintenance grant sanctioned to the Managers under rule 5 of Chapter XXVIII].

¹³[(4) In the case of a Manager who commits serious irregularities causing monetary loss to teachers/Government, the loss sustained by teachers/Government shall be recoverable from the Manager under the provisions of the Revenue Recovery Act for the time being in force as if it is an arrear of public revenue due on land, in the following cases namely-

- (a) Denial of appointment to a qualified thrown out teacher who has rightful claim for re-appointment by virtue of his/her holding the post earlier under rule 51 A Chapter XIV A.
- (b) Denial of promotion to a teacher to any higher grade of pay under rules 43, 43B or 43C, as the case may be, of Chapter XIVA, or denial of promotion to the senior- most rightful claimant to the post of Headmaster under rules 44 or 45 or 45 A, as the case may be, of Chapter XIV- A, when the post becomes vacant disobeying the directions from the department and /or Government, causing denial of all monetary benefits which he/she would have got had the promotion been effected as per rules in time.
- (c) Suspension of teachers, framing cooked up and/or frivolous charges, keeping them out of service beyond fifteen days disobeying the orders of re-instatement of such incumbents passed by the Deputy Director (Education) or by the Educational officer concerned, as the case may be, after a preliminary investigation into the grounds of suspension under sub-rule (8) of rule 67, Chapter XIV-A, depriving such incumbents of their salary for which they would have been

entitled to had they been reinstated by the Manager in compliance of the orders issued by the officer concerned.

(d) Making of irregular appointments and getting them approved by the Educational Officers concerned by furnishing false information/ declaration by the Managers regarding the claimants, under rule 51 A. Chapter XIV A.

(5) After having effected such recovery the amount of loss sustained by the teacher concerned shall be paid to him, if not already paid.]

8. Persons connected with Management not to be appointed in schools -
¹⁴[XXX]

(1) No person who is a manager or member or other office bearer of the Managing body, if any referred to in Rule 2, shall be eligible for any appointment in that school or any other school under the same Educational Agency:

Provided that Managers or members, or other office-bearers of the Managing body working as teachers including Headmasters when these Rules come into force, may continue to do so:

Provided further that the sub-rule (1) does not apply to a staff or Teacher's Committee wherein the members of the staff or teacher's of a school including the Headmaster are members.

¹⁵[(2) No employee of the Government or of a local body or of an undertaking, company or corporation owned or controlled by the Government shall be the manager or a member or other office bearer of the managing body, if any, of a school unless it is in an ex-office capacity.]

¹⁶[Provided that this sub-rule shall not apply to part time Government servants other than those employed in schools].

(3) A student in an institution shall not be permitted to be the manager or a member, or an office bearer of the managing body, if any of that institution.

¹⁷[(3A) No person who is convicted by a court for an offence involving moral turpitude shall be eligible for appointment as manager or a member of the managing body].

(4) The manager of an aided school shall be literate, solvent and interested in educational progress. The Educational Agency of a recognized school shall be solvent and shall also be interested in educational progress.

9. Duties and powers of the managers of Aided Schools – (1) The Manager shall be responsible for the conduct of the school strictly in accordance with the provisions of the Kerala Education Act and the Rules issued thereunder. He shall also abide by the orders that may be issued from time to time by the Government and the Department in conformity with the provisions of the Act and the rule issued thereunder.

(2) The manager shall sign all the bills relating to the maintenance and other grants specifically granted to the management. All other bills relating to the school shall be signed by the Headmaster.

(3) The Manager shall provide site, building, staff, equipments furniture etc. as per Rules issued under the Education Act and as per orders that may be issued from time to time by the Government and the Department in conformity with the provisions of the Act and the rules issued thereunder.

(4) The Manager shall not interfere with the academic work of schools which should be attended to by the Headmaster.

(5) The Manager shall verify the staff position of the school in conformity with the number of class divisions sanctioned by the Department.

1. The powers are delegated to Dy. Director by G.O. (P) 52/80/G.Edn. Dt. 7-5-1980 published in gazette dt. 24-06-1980
2. Added by G.O. (P) 149/75 G.Edn. dt. 26/06/1975 after renumbering Rule 4 as Rule 4 (1).
3. Substituted by G.O. (P) No. 217/79/G.Edn. Dt. 26-12-1979 published on 28-12-1979 for “region” and “Regional Deputy Director”.
4. Inserted by G.O. (P) 23/87 G.Edn. dt. 31-01-87 published in Gazette dt. 24-02-1987.
5. Added by G.O. (P)No. 203/77/G. Edn. Dt. 05-10-1977 published in gazette on 01-11-1977.
6. The words other than by inheritance omitted by G.O.(P) 244/67/Edn. Dt. 6-6-1967 Pub. in Gazette dt. 20-06-1967.
7. Inserted by G.O. (P) 150/71 dated 27-10-1971 published in Gazette dt. 09/11/1971.
8. Inserted by G.O. (P) 226/98/G.Edn Dated 22-6-98.
- * The power of the Director are delegated to Deputy Directors of Education by G.O. (P) 52/80/G Edn. Dated 7-5-1980 published on 24-6-1980.
9. Inserted by G.O. (P) No. 257/84 G.Edn. Dt. 21-11-1984 published on 26-02-1985.
10. Inserted by G.O. (P) 576/62 dt. 29/08/1962 published in Gazette dt. 18/09/1962.
11. Added by G.O. (P) 576/62 dt. 29/08/1962 published in Gazette dt. 18-9-1962.
12. Inserted by G.O. (P) 69/87/G.Edn. dt.18-3-1987 published in Gazette dt. 21-04-1987.
13. Inserted by SRO No. 1192/89 dt. 4-7-89 published in gazette dt. 10-7-1989.
14. The word ‘except as Headmasters omitted by G.O. (P) 456/61/Edn. Dt. 2-8-1961 published in Gazette dt. 15-08-1961.
15. Substituted as per G.O. (P) 211/81/G.Edn. dated 26-11-81 published in Gazette dated 19-01-1982. for “No employee of the Government or a local body shall be the Manager or a member or other office bearer of the managing body if any, of a school unless it is an ex-officio capacity”.
16. Added by G.O. (MS) 245/60 Edn. Dt. 14-5-1960 published in Gazette dt. 17-05-1960.
17. Inserted by G.O. (P) 445/69/Edn. Dated 19-11-1969 in Gazette dated 2-12-1969.