

Education Rules, 2059 (2002)

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Amendment:

1. Education (First Amendment) Rules, 2060.3.24
2060 (2003) (8 July 2003)
2. Education (Second Amendment) 2060.12.16
Rules, 2060 (2004) (29 March 2004)
3. Education (Third Amendment) Rules, 2062.2.25
2062 (2005) (7 August 2005)
4. Education (Fourth Amendment) 2066.5.17
Rules, 2066 (2009) (2 Sept.2009)
5. Education (Fifth Amendment) Rules, 2067.8.20
2067 (2010) (6 Dec.2010)

In exercise of the powers conferred by Section 19 of the Education Act, 2028 (1972), Government of Nepal has framed the following Rules.

Chapter -1

Preliminary

1. **Short Title and Commencement:** (1) These Rules may be called as "Education Rules, 2059 (2002 A.D.)".

(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or the context otherwise requires in these Rules,-

- (a) "Act" means the Education Act, 2028 (1972).
- (b) "Ministry" means Government of Nepal, Ministry of Education.
- (c) "Department" means the Department of Education.
- (d) "Director General" means Director General of the Department.
- (e) "Directorate" means Regional Education Directorate.
- (f) "Director" means a Director of Regional Directorate.
- (g) "Supervisor" means employee designated for supervision of schools.
- ☑(g1) "School operated by community" means the community school being operated having handed over the management pursuant to section 22A.of the Act.
- ☑(g2) "Community teacher" means a permanent teacher appointed by Management Committee in a school managed by community under the posts approved by Government of Nepal.
- ☑(g3) "Teachers Selection Committee" means the Teachers Selection Committee referred to in Rule 22F.
- (h) "Management Committee" means the School Management Committee.
- (i) "Examination" means primary level examination, lower secondary level examination and secondary level examination.
- (j) "Examination Board" means lower secondary and secondary level education examination Board.
- (k) "Academic session" means an annual period of teaching and learning in school.

☑ Inserted by the Third Amendment.

- (l) "Non-formal Education" means the education to be imparted under Rule 48.
- (m) "Distance education" means the education given on any subject through correspondence, audio-visual or other communication media.
- (n) "Child Development Centre" means child development centre established as per Rule 67 for giving physical, mental or intellectual education to the children under four years of age.
- (o) "Educational Human Resources Development Council" means the Educational Human Resources Development Council under Rule 72.
- (p) "Headmaster" means the teacher appointed pursuant to Rule 93.
- (q) "Family" means husband, wife, son, unmarried daughter, or adopted son, unmarried daughter or adopted son or daughter, mother, father or stepmother living together with in a joint family a teacher and whom he/she himself/herself has to maintain and subsist and this term also includes his grandfather, grandmother incase of a male teacher and mother-in-law and father-in law in case of a female teacher.
- (r) "Teachers Records Office" means School Teachers Record Office as referred to in Rule 126.
- (s) "Fee" means fee to be charged by School from the students pursuant to Rule 146.
- (t) "Steering Committee" means Village Education Development Fund Steering Committee formed pursuant to Section 12C. of the Act.

• Amended by the First Amendment.

Chapter-2

Provision Relating to Permission for establishment of School

3. **Application to be Filed for Permission to Establish School:** (1) Those willing to establish a primary, lower secondary school or secondary school shall have to file an application along with recommendation of the Village Education Committee or Municipality in a format as provided in Schedule -1 before the District Education Office for permission at least ^③Three months before the commencement of new academic session.
- (2) Those willing to open pre-primary school shall have to file an application in a format as provided in Schedule -2 before the concerned Village Development Committee or Municipality for permission at least two months before the commencement of new academic session.
4. **Infrastructures to be met for Establishing a School:** Infrastructures referred to in Schedule -3 shall be met for establishment of a school.
5. **Permission to be granted to Open School:** (1) If an application is submitted pursuant to Sub-rule (1) of Rule 3 for permission to open a school, the District Education Officer shall upon examination of all necessary documents enclosed with the application so submitted and if it is found that all infrastructures are met as referred to in Rule 4, ^④grant permission in a format as provided in Schedule -4 at least Thirty days before the commencement of new academic session for the primary and lower secondary school

③ Amended by the Third Amendment.

④ Amended by the Fourth Amendment.

^①and the application shall be forwarded to the Director along with the opinion of District Education Committee at least Two months before the commencement of the Academic session in the case of the secondary school.

(2) Prior to granting permission as pursuant to Sub-rule (1) or forwarding application to the Director, District Education Officer shall have to examine or cause to examine to satisfy whether the necessary infrastructures according to Rule 4 have been completed or not for the proposed school.

(3) If an application pursuant to Sub-rule (1) is received, for permission to establish a [☒]..... secondary school, the Director shall examine all documents enclosed with the application and if the infrastructures as per Rule 4 for the proposed school are found to have been completed, permission to establish school shall be granted to the applicant in a format as provided in Schedule -4 at least Thirty days before the commencement of new academic session.

(4) If an application seeking permission to establish preprimary school is received pursuant to Sub-rule (2) of Rule 3, the concerned Village Development Committee or the Municipality shall examine the proposed school building and other necessary documents enclosed with the application and if all the infrastructures are found to have been completed as referred to in Rule 4 for establishment of such school, permission shall be granted in a format as provided in Schedule -5 to the applicant at least 30 days before the commencement of new academic session.

6. Terms and Conditions to be Fulfilled by the School:

Except as otherwise provided in the Act and in these Rules,

^① Amended by the First Amendment.
[☒] Deleted by the Fourth Amendment.

terms and conditions to be followed by a school shall be as follows:-

- (a) The curriculum and course books approved by Government of Nepal shall be implemented,
- (b) Additional course books or study materials shall not be used without approval of Curriculum Development Centre,
- (c) No reading material or book having any content undermining nationality shall be taught or cause to be taught in the School.
- (d) Salary not less than the minimum scale as prescribed by Government of Nepal shall be paid to teachers,
- (e) Timely information of income and expenditure, academic achievements and programmes for next academic session of the school shall be given to the guardians having called their annual meeting,
- (f) Books of incomes and expenditures shall be kept according to Rule 170,
- (g) Record of evidence of investment made by the school shall be kept,
- (h) No activity undermining national unity, sovereignty and religious tolerance in Nepal shall be allowed to take place in the school,
- (i) Provision of teachers having qualification as per existing law has to be made not reducing the number as prescribed for the school,
- (j) Extra curricular activities and other programmes shall be conducted in the School,

- (k) Necessary provisions shall be made for creating atmosphere of healthy and moral character building in the school and hostel,
- (l) Quality of foods and nutrient diets shall be maintained as prescribed by the District Education Committee for students in Boarding Schools,
- (m) Boarding School shall, at the beginning provide Boarding facility to at least 10 percent of the total students of the school,
- (n) Functions to be carried out as per directives issued by the District Education Office.
- (o) Infrastructures referred to in Rule 4 shall be maintained as usual,
- (p) Academic statistics of school shall be prepared in a format prescribed by the Ministry of Education or bodies thereunder and shall be sent to District Education Office.

7. Approval to be Granted to Establish School: (1)

Primary, lower secondary and secondary schools which have obtained permission as per sub-rules (1) or (3) of Rule 5 shall apply in accordance with the format provided in Schedule -6 to District Education Officer for approval.

(2) If application as referred to in Sub-rule (1) is received, District Education Officer shall cause to conduct an inquiry about the school through Supervisor or any other official.

(3) After the inquiry report pursuant to Sub-rule (2) has been submitted, the District Education Officer shall examine the documents received with the application and if the school is found to have fulfilled the terms and conditions

as referred to in Rule 6, he/she shall, having obtained approval from the District Education Committee, ⁹grant approval in a format as provided in Schedule -7 in case of primary school and lower secondary school and in case of secondary school he/she shall have to submit the application along with the opinion of District Education Committee to the Directorate.

(4) While examining documents submitted along with the application pursuant to Sub-rule (3), if it seems that the permitted school has fulfilled the conditions according to Rule 6, the Director shall grant approval to such School in a format as referred to in Schedule-7.

(5) Pre-primary school obtaining permission pursuant to Sub-rule (4) of Rule 5 shall file application for an approval in the concerned Village Development Committee or Municipality in a format as provided in Schedule -8.

(6) While examining the application received pursuant to Sub-rule (5), if the school is found to have fulfilled the conditions as referred to in Rule 6, the concerned Village Development Committee or Municipality shall grant approval to such school in a format as prescribed in Schedule -9.

(7) The concerned Village Development Committee or Municipality shall forward information to District Education Office within Thirty days of the permission or approval given to the pre-primary school pursuant to these Rules.

8. Provision Arrangement Relating to Approval of school Already in Operation: (1) Any school being run as an institutionalized schools at the time of commencement of the Act shall, within the prescribed time limit, have to file

⁹ Amended by the Fourth Amendment.

application along with company registration certificate if the school is to be run as company or the related statute if the school is to be registered as an Educational Trust to the Directorate in a format as provided in Schedule-10.

(2) If application pursuant to Sub-rule (1) is received, the Director General, shall upon examining the necessary documents enclosed with the application so received is found reasonable, grant approval to the applicant to run the school as company or an educational trust in a format as provided in Schedule-11.

9. Provisions Relating to Approval for establishing School with the Affiliation of Any Foreign Educational Institution: (1) One willing to establish school pursuant to the proviso to Sub-rule (8) of Section 3 of the Act shall have to submit application in the Ministry for approval in a format as prescribed by the Ministry.

(2) If any application pursuant to Sub-rule (1) is received, the Ministry shall examine the documents enclosed with the application and shall grant approval to the applicant to establish school with the affiliation of foreign educational institution, if the description in the application is found to be satisfactory.

Provided that, no approval shall be granted to establish more than one school on the recommendation of one diplomatic mission except in case of agreement with Government of Nepal.

● **10. Deposit to be made:** (1) While opening a school, the following amount shall be deposited as a security of the operation of the school: -

● Amended by the Third Amendment.

Institutionalized school	Community school
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(a) In Two hundred One hundred case of thousand rupees thousand secundary school rupees

(b) In One hundred ☐ case of fifty thousand . lower rupees secundary school

(c) In Fifty thousand case of rupees primary school

✓(1a) For the purpose of Sub-rule (1), the school operated with the objective of Sub-section (7d) of section 3 shall be deemed as community school.

(2) Notwithstanding anything contained in Sub-rule (1), while opening school in the geographical area which belongs to 'Class A' for the purpose of Rule 80A. of the Civil Services Rules, 2050, only half of the amount referred to in that Sub-rule shall be deposited.

⁺10A. Security Deposit to be Deposited in the Fix Account:

(1) The amount deposited against security under Rule 10

☐ Deleted by the Fourth Amendment.
 ✓ Inserted by the Fourth Amendment.
 + Inserted by the First Amendment.

shall be deposited in a fixed account in the name of school as specified by the District Education Office.

(2) The interest accrued from the amount deposited in the bank under Sub-rule (1) may be expended for the school works.

(3) The operation of the account referred to in Sub-rule (1) shall be jointly operated by the person specified by the Management Committee and the employee specified by the District Education Officer.

11. **Provisions Relating to Educational Trust:** (1) One willing to establish School as Educational trust shall draft a statute of the trust and register at the concerned Directorate.

(2) Educational trusts may be registered in two forms, one as a private trust and the other as a public trust.

Provided that, no private trust (*guthi*) may be registered, for running the school referred to in Sub-section (6) of Section 3 of the Act.

[#](2A) Notwithstanding anything contained in Sub-rule (2), if any person or organization has donated building or land for operating it as a private trust, such school may be operated as a private trust.

(3) The following matters shall be stated in the statute relating to an educational trust:-

- (a) Name and address of the school,
- (b) Name and address of the founder of educational trust,
- (c) Name of the trustees of the educational trust, chief of the trustees, his/her appointment process and tenure of office,

[#] Inserted by the Second Amendment.

- (d) Functions, duties and powers of trustees, and facilities to be provided to them,
- (e) Description of building, land, income, debt and other property of the Educational trust,
- (f) Other necessary matters.

(4) In public educational trust, the concerned school Headmaster and a person appointed by the Ministry and in private educational trust the founder of the School or any person appointed by the founder shall be ex-officio trustee of the trust.

(5) In a public educational trust at least five persons and in private educational trust the number of persons as intended by the founder shall be the trustees.

(6) In a public educational trust, at least one government representative, one representative from local body and one representative from guardians shall be included as members.

(7) Government representative in the educational trust as referred to in Sub-rule (6) shall be appointed as prescribed by the District Education Office.

(8) The educational trust founded pursuant to this Rule shall carryout functions according to these Rules and other prevailing laws.

12. Operation of School: Operation of a school shall be as provided for in the Act and these Rules.

12A. Bases for Amalgamation of Schools: While amalgamating two or more schools in one school pursuant to Section 15 of the Act, it may be done on the following grounds: -

☑ Inserted by the Third Amendment.

- (a) Not having the infrastructures as referred to in Schdule-3,
- (b) Most of the classes lack sufficient number of students as referred to in Rule 77,
- (c) The Management Committees of two or more schools submit joint application to operate as one school.

● **13. Provision Relating to Addition of Classes in School:**

(1) If any School wants to add additional class, application shall be filed to District Education Officer at least Two months before the commencement of new academic session.

(2) If application is received pursuant to Sub-rule (1) District Education Officer shall make necessary inquiry whether or not the prerequisites for addition of class have been fulfilled pursuant to Rule 4 and if the prerequisites are found to be fulfilled, grant permission before the start of new academic session to add one upgraded class per year.

⇒(3) Notwithstanding anything contained in Sub-rules (1) and (2), if an institutional school or school having the objective of welfare to provide education in minimum fees, operated before the commencement to these Rules, desires to add classes from Class One to Class Five or Class Six to Class Eight at a time, it shall submit an application to the District Education Officer.

⇒(4) If an application is received pursuant to Sub-rule (3), the District Education Officer shall make necessary inquiry whether or not the infrastructure pursuant to Rule 4 have been fulfilled to add class and if it is found that the infrastructure have been fulfilled, such application along

● Amended by the Fourth Amendment.
⇒ Inserted by the Fifth Amendment.

with the recommendation of the District Education Committee shall be forwarded to the Directorate.

⇒(5) If it is found appropriate while making an inquiry along with the received application pursuant to Sub-rule (4), the Directorate as per the recommendation of the District Education Committee may provide permission to add classes before the commencement of educational session.

⇒(6) The permission to add class pursuant to Sub-rule (5) to the institutional school operated before the commencement of these Rules may be provided for at a time only.

Chapter -3

Functions, Duties and Powers of Director General, Director, District Education Officer and Supervisor

14. Functions, Duties and Powers of Director General: In addition to other matters, functions, duties and powers of the director general shall be as follows:-

- (a) To give necessary direction to the Directorate and District Education Office to implement academic plans and programmes,
- (b) To maintain co-ordination in works of the Directors,
- (c) To organize committee, sub-committee or task force as required for the implementation of educational plans and programmes,
- (d) To act, cause to act for teacher's administration, management and educational development,

⇒ Inserted by the Fifth Amendment.

- (e) To prepare school's educational programmes and to implement or cause to implement the same,
- (f) To implement or cause to implement the Rules and policies of the Ministry,
- (g) To monitor and evaluate, cause to monitor, evaluate the educational plans and programmes conducted by the Department and send reports to the Ministry or the concerned body,
- (h) To make necessary arrangements for implementation of the programmes of secondary education, basic or primary education and child development centres,
- (i) To supervise and evaluate performance of Directors and District Education Officers,
- (j) To prepare objective ground and yardstick and to implement or cause to implement them in order to make financial affairs of the school transparent and authentic.
- (k) To carry out other works as prescribed by the Ministry.

15. Functions, Duties and Powers of Director: In addition to other matters, the functions, duties and powers, of Director shall be:-

- (a) To implement or cause to implement educational plans and programmes,
- (b) To supervise and cause to supervise schools,
- (c) To co-ordinate the functioning of District Education Officer,
- (d) To supervise and evaluate performance of District Education Office.

- (e) To make or cause to make provisions for providing training to teachers for the promotion of quality education as required,
- (f) To check records of final examinations held in schools, question papers and answer sheets having ordered them to be forward to the Office, keep records whether the quality of education of the school is better or not and give necessary direction to District Education Officer in this regard,
- (g) To rectify the name, surname and date of birth of the students who have passed in Secondary level Education as per the existing law,
- (h) To issue provisional and migration certificate to the students who has passed Secondary Level Education,
- (i) To send opinion to the Department and the Ministry having carried out necessary inquiry into the demand for teacher's post made by District Education Committee,
- (j) To prepare auditors list and send it to District Education Office for auditing in ⁺Primary, lower secondary and secondary schools and to monitor, cause to monitor the same,
- (k) To make or cause to make provisions for trainings [•]for non-formal and special education, supervision and monitoring,
- (l) To make provisions for co-ordination and inspection of teachers training programmes,
- (m) To inspect and co-ordinate governmental and non-governmental educational projects,

⁺ Inserted by the First Amendment.
[•] Amended by the Third Amendment.

- (n) To monitor once in every three months whether or not the works according to the report of supervisor have been carried out and send its reports to the Department and the Ministry,
- (o) To send progress report of works of the Directorate and the Department once in every two months,
- (p) To carryout works as directed or delegated by Secondary Education Examination Board (Board of School Leaving Certificate Examination),
- (q) To carryout or cause to carryout functions as directed or delegated by the Commission,
- (r) To carryout other works as prescribed by the Department and the Ministry.

16. Functions, Duties and Powers of District Education

Officer: In addition to other matters the functions, duties and powers of District Education Officer shall be as follows:-

- (a) To implement or cause to implement educational programmes in district,
 - (b) To implement municipal level education plans having endorsed by Municipal Council and district level plans by District Education Committee as well as District Council,
 - (c) To prepare records relating to schools, technical schools and child development centres and to forward to the Directorate, Department and Ministry every year,
- ☑(C1)To implement or cause to be implemented food for education programme, informal education programme

☑ Inserted by the Third Amendment.

, and special education programme and to prepare and send the report relating to it to the Directorate, Department and Ministry each year.

☑(C2)To adjust the teacher in other school managed by community, whose post has been cancelled due to decrease in number of students,

☑(C3)To regularly inspect and supervise whether or not the schools managed by community have been operated as per the approved working plan and to submit report thereof to the Directorate and Department.

(d) To make provisions for meetings, seminars or training of Headmasters and Chairperson from time to time to promote the quality of education,

(e) To conduct final examination of lower secondary level education,

(f) To check records, question papers, and answer sheets of the final examinations of the schools having ordered them to be submitted to it records by evaluating whether or not quality of education has increased in the school and keep its record and do other necessary works for improvement,

(g) To check whether or not schools are being run or not in accordance with the Act and these Rules and to take necessary steps to increase quality of education, to improve or to promote the standard of school or to close the school based on the inspection report,

(h) To rectify as per prevailing law the name, surname, age of the students who have filled in registration form for Secondary Education Certificate Examination.

☑ Inserted by the Third Amendment.

- (i) To appoint teachers in Schools from among those recommended by the Commission for appointment and promotion,
- (j) To keep updated service and other records of teachers working in community school,
- ⁹(k) To conduct the evaluation and forward the evaluation report of the teachers whose promotion is to be done by the Commission,
- (l) To inspect or cause to inspect schools and child development centres,
- (m) To fix Resource Centre by making group division of community and institutionalized schools as prescribed by the Ministry and to act or cause to act for supervision of schools, teachers' training and other educational activities through the Resource Centre,
- (n) To conduct or cause to conduct Secondary Education Certificate Examination in time in a regulated and disciplined manner,
- (o) To adjust the posts of teachers distributed to the community schools at the beginning of academic session and send the description of the adjusted posts of teachers to the Ministry,
- ⁺(o1) To approve resignation of a permanent teacher of Community School.
- (p) To depute supervisor for inspecting schools and make an on the spot inspection to ascertain whether or not the supervisor is inspecting the school,
- (q) To monitor whether the supervision or resource centre is monitoring the school or not,

⁹ Amended by the Third Amendment.

⁺ Inserted by the First Amendment.

- (r) To monitor whether or not the amount sent to the school from Village Education Development Fund has been properly utilized and send its report to the Management Committee,
- (s) To inspect or cause to inspect whether or not the approved curriculum and course books have been implemented,
- (t) To send suggestions to Curriculum Development Centre for necessary improvement in the curriculum and course book if needed and for making the supply / distribution system of free course books effective by collecting opinion of Management Committee and teachers and to do or cause to do other necessary works relating to this matter,
- (u) To cause auditing of schools by the auditor referred to in the list received from the Directorate,
- (v) To collect, analyze and publish annual educational statistics of the district,
- (w) To send progress report of educational plan to the Directorate and Department once in every Two months,
- (x) To cause to approve the salary report of the teachers of community school,
- (y) To monitor or cause to monitor the annual educational programmes of schools regularly and to act or cause to act accordingly,
- (z) To take action on the inspection-report submitted by school supervisor and to forward its details to the Directorate to the every Two months,

- (aa) To carry out or cause to carry out the acts as directed or delegated by the Commission,
- (bb) To do or cause to do other works as assigned by Ministry, Department and Directorate.

17. Functions, Duties and Powers of Supervisor: In addition to other matters the functions, duties and powers of supervisor shall be as follows:

- (a) To supervise and cause to supervise School at least once in a month and in pursuance of such supervision and monitoring, to hold discussions with Headmaster and Management Committee and to note down or cause to note down the discussed matters, about the supervision and monitoring in the school inspection register.
- (b) To have discussions with Headmaster, Parents, Teachers Association and teachers as to whether or not any school is being run regularly in accordance with the Act and these Rules, whether such school has physical facilities and resources and teaching staff are sufficient or not, whether the available means have been properly utilized in maximum or not and whether the teaching-learning activities have been run according to the fixed standard, and if it is not found so, to instruct to make improvement,
- (c) To forward school supervision report every month to Village Education Committee or Municipality and District Education Officer,
- (d) To keep contact, have necessary consultation and hold interactions with Management Committee and local people contributing to education development for the development of school,

- (e) To call meetings of teachers including Headmaster from time to time for the purpose of evolving model teaching and do necessary works to solve problems in this way,
- (f) To conduct performance evaluation of teachers and keep its record,
- (g) To organize seminars of Headmasters and Chairperson of School Management Committee for promotion of educational standard of school,
- (h) To conduct or cause to conduct examinations according to direction of the Board of Examination,
- (i) To inspect or cause to inspect whether or not educational and financial records of schools are accurately maintained,
- (j) To collect and analyse education related data of one's own jurisdiction and forward to the District Education Office,
- (k) To recommend teachers for training,
- (l) To check whether or not meetings of Management Committee have been held on a regular basis and if found not held, to give direction to Headmaster for calling meetings,
- (m) To give necessary directions to Headmaster and Management Committee about operation of school,
- (n) To submit report to Village Education committee and District Education Office in every month upon monitoring the performance of the resource person,
- (o) To verify records of leaves of school teachers and working staffs at the end of academic session and cause to keep its record in the school,

- (p) To make surprise check or inspection whether or not the records of attendance of teachers is exact, and to mark absence in the register in the case of absent teachers and to give information thereof to the Management Committee of the concerned school, Village Education Committee and District Education Officer,
- ☑(p1) To regularly instruct and monitor informal education, special education and food for education programme being operated within ones own jurisdiction and submit report thereof to the District Education Office,
- (q) To carryout or cause to carry out other works as prescribed by District Education Officer.

Chapter - 4

Functions, Duties and Powers of the District Education Committee and Procedures Relating to Meetings

18. Functions, duties and powers of District Education

Committee: In addition to as provided in the Act, other functions, duties and powers of District Education Committee shall be as follows:-

- (a) To formulate educational programmes of school in accordance with approved educational plan and cause to implement them,
- (b) To cause to implement educational programme through Management Committee to maintain healthy educational environment and promote quality of education in the district,

☑ Inserted by the Third Amendment.

- (c) To make necessary arrangement relating to implementation of non-formal education programme according to the approved policy and direction of Government of Nepal,
- (d) To provide financial assistance to school and to make recommendation to the concerned body for such assistance,
- (e) To formulate necessary programmes for the welfare of teachers and students,
- (f) To make necessary provisions for security of property of the school and for the prosperity of school,
- (g) To organize district level seminars, conventions or exhibition relating to education,
- (h) To co-operate in the educational programmes conducted for the development of school,
- (i) To carryout or cause to carryout functions as may be necessary as per audit report given by the auditor about the auditing of books of accounts,
- (j) To make efforts towards making the school financially self-reliant,
- (k) To give approval to close the school,
- (l) To give direction to Village Education Committee and Management Committee to conduct school by preparing academic calendar,
- (m) To find financial source for conducting districts level sports, scout and cultural programmes and their development and to spend the received amount.

19. Procedures Relating to Meeting of District Education

Committee: (1) Normally, meeting of District Education Committee shall be held once a month.

(2) Meeting of District Education Committee shall be called at the direction of the Chairperson of the Committee by the member-secretary of the Committee.

(3) Notwithstanding anything contained in Sub-rule (1), if one third of the members of District Education Committee request in writing, the member secretary shall call meeting at anytime.

(4) The agenda to be discussed in the District Education Committee meeting shall be provided to committee members by the member-secretary normally three days prior to the meeting-day.

(5) If more than Fifty of the existing members of District Education Committee are present, it shall be deemed to have constituted the quorum for the meeting of the District Education Committee.

(6) The Chairperson of the committee shall preside over the meeting of District Education Committee and in his/her absence any member selected by the members amongst themselves shall preside over the meeting.

(7) Opinion of the majority members shall prevail in the meeting and in case of tie of votes, the person presiding over the meeting shall give casting vote.

(8) Other proceedings relating to meetings of District Education Committee shall be as per the procedures prescribed by the committee itself.

(9) The members of the committee shall be entitled to the meeting allowance from the District Education fund as

prescribed by the Ministry for taking part in the meeting of District Education Committee.

20. District Education Committee may be dissolved:

Government of Nepal may dissolve District Education Committee in the following circumstances:-

- (a) If any act is committed against interest of school,
- (b) If any power provided by the Act or these Rules is misused, or
- (c) If anything is committed in contravention of the Act or these Rules.

Provided that, the District Education Committee shall not be deprived of the opportunity to provide clarification before dissolving the committee.

Chapter - 5

Functions, Duties and Powers of the Village Education Committee and Procedures Relating to Meeting

21. Functions, Duties and Powers of the Village Education

Committee: Functions, duties and powers of the Village Education Committee shall be as follows:

- (a) To encourage children to acquire education at least up to the primary level,
- (b) To prepare and update record of children both admitted in school and not admitted and other persons on the basis of age, caste and sex,
- (c) To keep updated the record of the educational plan of school and to send suggestions to the concerned body upon monitoring such plan,

- (d) To help Management Committee in identifying local means and resources and in their mobilization, and to distribute available resources to the schools,
- (e) To prepare record of the families living below the poverty line and make necessary provisions to involve the children of such families in education,
- (f) To co-ordinate in the functioning Management Committee, and to give necessary suggestions and render assistance to Head Master, teacher and Management Committee upon supervising and monitoring the schools for qualitative development of education,
- (g) To conduct public-awareness oriented programmes, trainings, seminars and workshops for the promotion of quality education in the schools,
- (h) To request Management Committee for release of funds having studied physical condition of schools,
- (i) To create healthy atmosphere in the school,
- (j) To prepare Village Education programmes and to implement them upon approval from the Village Council,
- (k) To maintain the record of educated human resource within the concerned village area,
- (l) To make provisions of reward to the teachers on the basis of their working efficiency,
- (m) To collect necessary means and resources for the school and mobilize them,
- (n) To make recommendation for establishing a school upon considering the necessity of the school based on the school mapping,

- (o) To cause to develop and conduct inter-school sports related activities and extra curriculum activities and make provisions of rewards for such activities.

22. Procedures Relating to Meetings of Village Education

Committee: (1) Meeting of Village Education Committee shall be held at least once every three months.

(2) Meeting of Village Education Committee shall be called by the member secretary under the direction of the Chairperson of the committee.

(3) Notwithstanding anything contained in Sub-rule (1), if one third of Village Education Committee members request in writing for calling meeting, the member-secretary shall have to call meeting of Village Education Committee at any time.

(4) The agenda of discussion in the meeting of Village Education Committee shall be provided to the committee members normally three days before the meeting.

(5) Presence of Fifty percent of the existing members shall constitute the quorum for holding the meeting of Village Education Committee.

(6) Chairperson of Village Education Committee shall preside over the meeting of the committee, and in his/her absence, the members of the Village Education Committee present in the meeting shall select one of the members to preside over the Committee's meeting.

(7) Majority opinion of the Village Education Committee shall prevail in the meeting and in case of a tie, the person presiding over the meeting may exercise the casting vote.

(8) Other procedures relating to the meeting of Village Education Committee shall be as prescribed by the Committee itself.

Chapter 5A

Provisions Relating to Management of Schools to be managed by Community

22A. Application to be submitted to take management of

community school: (1) Any local body, Management Committee or organization willing to take management of any school shall submit application along with the following documents in the format of Schedule – 11a. to the District Education Office if it is a Village Development Committee, Municipality, Management Committee or Organization and to the Directorate if it is a District Development Committee.

- (a) Two year working plan relating to community school management,
- (b) In case of Management Committee, the decision of the Management Committee to take school for management,
- (c) In case of a local body or organization, the consent of the concerned local body or Management Committee along with decision made thereof.

(2) Upon receipt of an application pursuant to Sub-rule (1), the District Education Officer or the Director may conduct or cause to conduct the field inspection by any Officer as required regarding whether or not to hand over the management necessary.

☑ Inserted by the Third Amendment.

(3) In case it is found appropriate to hand over management of a community school, while scrutinizing into the application received at the District Education Office pursuant to Sub-rule (1) along with documents and the report of the field inspection conducted pursuant to Sub-rule (2), the District Education Officer him/herself may hand over the management of a community school in case of a primary school and along with forward the documents of his/her opinion to the Director in the case of a lower secondary and a secondary school.

(4) If the Director deems fit to hand over the management of a Community School while scrutinizing the documents along with the application received pursuant to Sub-rules (1) and (3), he/she may hand over the management of the Community School.

(5) While handing over management of a Community School under Sub-rule (3) or (4), the District Education Officer or the Director shall enter into an agreement with the local body, Management Committee or organization taking charge of the Management.

(6) Notwithstanding any thing contained in this Rule, the Ministry may prescribe other conditions with regard to handing over of Management of a school to an organization.

(7) The District Education Officer or the Director shall send to the Department or Teachers Record Office the information of hand over of Management a Community School pursuant to Sub-rule (3) or (4) for record purpose.

22B. Amount entitled to be received by community school:

Notwithstanding anything contained in Rule 164, a school operated by community shall be entitled to received the following amount from the Government of Nepal.

- (a) Lump sum grant amount for salary, allowances and annual grade increment for the teachers in the posts of teacher approved by Government of Nepal;

Provided that while giving grant in such a manner, if the number of students is decreased and number of posts of teachers is decreased consequently, the grant amount shall be made available accordingly.

- (b) Ten percent amount for the purpose of adding amount to the provident fund on behalf of the school for teachers appointed permanently in a post approved by Government of Nepal;
- (c) One hundred thousand rupees for once as an incentive while handing over Management of a Community School pursuant to Rule 22A.

22C. Functions, Duties and Powers of the Management Committee of school Managed by community: In

addition to the Functions, Duties and Powers referred to in the Act, the functions, duties and powers of the Management Committee of a school managed by community shall be as follows: -

- (a) To appoint Head Master and community teachers,
- (b) To appoint other teacher and staff bearing the costs from the school resources,
- (c) To determine remuneration, allowance and other benefits to the teachers and employees appointed pursuant to clause (b).
- (d) To enter in to agreement with governmental and non-governmental organization or persons for the sake of interest of the school.

Provided that, a prior approval of Government of Nepal shall be obtained while entering into agreement with foreign organization or associations or individuals.

- (e) To formulate necessary plan for development of school and to implement it,
- (f) To carry out or cause to be carried out of functions, duties and powers other than those referred to in Clauses (f), (g) and (h) of Rule 25.

22D. Functions, Duties and Powers of the local Body or organization taking school operated by community:

The functions, duties and powers of the local body or organization taking management of the school operated by community shall be as follows:-

- (a) To make available financial assistance to the Management Committee in order to develop and operate physical infrastructures of school.
- (b) To inspect and monitor school from time to time and to give necessary directions or suggestions to the Management Committee for solving problems and weaknesses, if any, while inspecting in such a manner;
- (c) To approve posts of teacher and staff as may be necessary on the recommendation of Management Committee other than the community teachers;
- (d) To adjust posts of teacher in the schools in which management has been taken on the basis of number of students in regard to the primary level and number of the students and subjects in other levels;

- (e) To prepare and implement periodic educational programmes;
- (f) To appoint expert as required to reform the schools;
- (g) To follow or cause to be followed the directives or suggestions given by the Ministry, Department, Directorate or District Education Office.

22E. Provisions Relating to Appointment of Community

Teacher: (1) In case post of any community teacher falls vacant in a school managed by community, the Management Committee shall advertise having fixed a time limit of at least 30 days and having stated the number of post vacant, the required minimum qualification, the place of submitting application and the last date for it and the date and place of examination in order to fulfill such vacant post through an open competition and notice as to such appointment shall be affixed in notice board of the concerned school, local body and District Education Office so that people may know about it. If the District Education Office has published any newspaper or bulletin, Management Committee shall publish advertisement in such newspaper or bulletin as well.

(2) While fulfilling the post pursuant to Sub-rule (1), if the posts of second and first classes of the primary, lower secondary and secondary levels are vacant, they shall be fulfilled as if they are the posts belonging to third class.

(3) Only the following persons shall be eligible to be a candidate for the advertisement published pursuant to Sub-rule (1):-

- (a) A person having met the qualification pursuant to the Act and Teachers Services Commission Rules, 2057.

- (b) Permanent teachers of other Community School.

(4) In order to select the candidate as per the advertisement published pursuant to Sub-rule (1), the examinations shall be held as follows:-

- | | | |
|-----|-----------------------|-----------|
| (a) | Written examination | 100 marks |
| (b) | Practical Examination | 25 marks |
| (c) | Interview | 25 marks |

(5) Notwithstanding anything contained in Sub-rule (4), the Teachers Selection Committee may take practical examination only if it deems necessary having regard to the nature of the subject.

(6) The curriculum of the written examination shall be as determined by the Commission.

(7) Pass marks of the written and practical examinations shall be thirty-five and ten respectively.

(8) The candidates having secured highest marks in the written examinations of candidates and in practical examination, if conducted, shall be selected for interview.

(9) Out of the Twenty-Five marks for interview, a maximum of ten marks at the rate of one marks for each year for experience, maximum of three marks for educational qualification, i.e. three marks for the first, two marks for second and one marks for the third division of the required educational qualification for entry into the service and a maximum of twelve marks for interview.

(10) The Teachers Selection Committee shall calculate the marks obtained by each candidate passing in the written and practical examination, if conducted, and recommend the name of the candidate having secured

highest score in total marks of all the examinations and publish the result in the places referred to in Sub-rule (1) of Rule 22E. While making recommendation in such a manner, name of the candidates equal to ten percent of the vacant posts or at least one candidate, whichever is higher, shall be listed in the waiting list as may be available.

(11) The candidate having been recommended for appointment pursuant to Sub-rule (10) shall collect the letter of appointment within Thirty days from the date of publication or service of notice for appointment, if one does not collect the letter of appointment or does not attend the school within Thirty days of getting the letter of appointment or if the post falls vacant for death of such candidate or for any reason whatsoever within one year, the Management Committee may appoint the candidate on the waiting list from the merit list.

(12) While appointing candidate to the post of community teacher, the Management Committee shall appoint subject to a probation period of One year.

Provided that, the probation period for a women teacher shall be Six months.

(13) In case the performance of any teacher who is on probation period pursuant to Sub-rule (12), the Management Committee may remove such teacher from the post.

(14) In case the candidate recommended pursuant Sub-rule is a permanent teacher of a community school, his/her permanent service period shall also be computed.

22F. Teachers Selection Committee: (1) There shall be formed a Teachers Selection Committee in each school in order to appoint community teacher and to promote the teacher so appointed:-

(a) Chairperson or member of the Management Committee as designated by it. Conveyor

(b) The school inspector looking after the school or the Resources Person designated by the District Education Officer –Member

(c) Head Master of the concerned school – Member-secretary

(2) Notwithstanding anything contained in clause (c) of Sub-rule (1), in case of recommendation for appointment of Head Master or promotion of a Teacher who has been also working as a Head Master, the senior most teacher of a school designated by Management Committee shall work as member-secretary of the Teachers Selection Committee.

(3) Secretariat of the Teachers Selection Committee shall be located at the concerned school.

(4) The Teachers Selection Committee shall determine other procedures including the meeting on its own.

22G. Provisions Relating Promotion: (1) For the purpose of promotion of teachers in each of school to be operated by community, the classes for promotion shall be fixed as follows:

Total	Third	Second	First
Number of	Class	Class	Class
Posts			

4	3	1	-
5	4	1	-
6	5	1	-
7	5	2	-
8	6	2	-
9	6	3	-
10	6	3	1

(2) Notwithstanding anything contained in Sub-rule (1), in case District Development Committee has taken management of all the schools within the district, the classification of posts of promotion may be made pursuant to Rule 89 and in case Village Development Committee or Municipality has taken management of more than one schools within their respective areas, the classification of posts of promotion may be made on the basis of total number of posts in such schools.

(3) Prior to taking actions relating to teacher promotion, the Management Committee shall cause to be determined the number of post of promotion along with classes by the District Education Officer.

(4) In the classes determined pursuant to Sub-rule (3), the teachers appointed in the posts approved by Government of Nepal and having met the following qualifications may stand as candidates: -

- (a) Having continuously served permanent for seven years in the lower post from the post one has to be promoted,

- (b) Having acquired training as prescribed by the Ministry for the level or class to which one is going to be promoted,
- (c) Having obtained teaching license from the Commission for the level or class to which one is going to be promoted.
- (d) Not be imposed departmental punishment for a period of last five years.

(5) The teacher having met the qualification referred to in Sub-rule (4) may submit application along with necessary documents.

(6) If an application is received pursuant to Sub-rule (5), the Management Committee shall forward the documents along with the application to the Teachers Selection Committee.

(7) The Teachers Selection Committee shall, while recommending teacher for promotion, recommend on the basis of work performance. While evaluating work performance, a maximum of 60 marks shall be calculated as follows:-

- (a) Fifty marks for work performance
- (b) Ten marks for interview

(8) For work performance, a minimum of 50 marks shall be given for the last five years at the rate of 10 marks each year.

(9) The Teachers Selection Committee shall recommend for promotion the teacher who secures at least 51 marks inclusive of 45 marks for work performance and at least six marks for interview.

(10) The format of the work performance evaluation shall be as prescribed by the Ministry.

(11) The supervision and reviewer of a teacher shall be the Head Master and Chairperson of the Management Committee respectively and supervision and reviewer of the Head Master shall be the member of the Management Committee designated by the Management Committee and Chairperson of Management Committee respectively.

Provided that, if a teacher and Head Master belongs to the same class, supervision of such a teacher shall be member of the Management Committee and reviewer shall be Chairperson of the Management Committee.

(12) Notwithstanding anything contained else where in the Rule, the permanent teacher engaged prior to taking management of the school may also participate in the promotion to be taken by the Commission.

Provided that, the teacher once promoted under this Rule may not be entitled to be a candidate again in the promotion to be conducted by the Commission.

22H. Appointment or promotion of community Teacher may be invalidated:

(1) Notwithstanding anything contained elsewhere in this chapter, in case it is found from inquiry or from any other source that the following errors have been committed in appointing or promoting a community teacher, the concerned District Education Officer may invalidate such appointment or promotion and write to the concerned Management Committee to initiate action again for appointment or promotion of teachers:-

- (a) In case of appointment or promotion of teacher without fulfilling the process mentioned in this chapter,

- (b) In case of appointment or promotion of teacher to a post which is not vacant,
- (c) In case of appointment or promotion of community teacher without matching qualification and subject.

(2) Notwithstanding anything contained in Sub-rule (1), after six months of the appointment or promotion of teachers, the District Education Officer shall not invalidate such appointment or promotion.

22I. Remuneration, Facilities and Terms and Conditions of

Service of Community Teachers: (1) Notwithstanding anything contained elsewhere in these Rules, a community teacher shall be entitled to the remuneration, allowances and grade as prescribed by the Management Committee.

(2) With regard to the remuneration, allowances and grade which a community teacher is entitled to pursuant to Sub-rule (1), Government of Nepal may issue necessary directives to the Management Committee.

(3) Except as provided in Sub-rule (1), other provisions as to facilities and terms and conditions of service of community teacher shall be at par with other teachers of the community schools subject to other Rules of these Rules.

22J. School Operation Procedures to be introduced: (1) The

local body, Management Committee or organization shall frame school operation procedures for smooth operation of the school Management of which has been taken by it, for appointing or promoting teachers and staff in such school other than community teachers, for making available services and benefit to the teachers or staff appointed or

promoted in such a manner and for imposing departmental punishment to such teachers and staff.

(2) The school operation procedures framed by District Development Committee pursuant to Sub-rule (1) shall come into operation upon its approval by the Directorate and the school operation procedures framed by other local bodies, Management Committee or organization shall come into operation upon its approval by the District Education Office.

Chapter -6

Procedure relating to selection of member of Management Committee, function duties and powers and procedures related to meeting

23. Provision Relating to Selection of Chairperson and member of the Management Committee:

(1) For the purpose of selecting Chairperson and members of the management committee of a community school pursuant to clause (a) and (b) of sub-section (1) of Section 12 of the Act, the Headmaster shall call a meeting of parents within thirty days from the date of commencement of the academic year having given at least a seven days notice.

(2) The Headmaster shall make public the name list of the guardians three days before holding the meeting of parents pursuant to Sub-rule (1).

(3) For the purpose of assisting to guardians in the selection of Chairperson and members according to Sub-rule (1), the head master shall form a three member selection assisting committee under his/her own convenership involving supervisor and one teacher of other school and the guardians shall select Chairperson and members having followed the procedure prescribed by the committee.

⁺**23A. Authority to Accept Resignation:** The resignation of the member of Management Committee shall be accepted by the Chairperson of the Committee and the resignation of the Chairperson of the Management Committee shall be accepted by the Management Committee.

24. Not to be designated as Guardian: School shall not designate any other person as guardian except the father, mother [•]elder brother, younger brother, elder sister, younger sister, grand father, grand mother of student or those who are responsible to nourishing, taking care, supporting the student and making arrangement for his/her schooling.

25. Functions, Duties and Powers of Management Committee of Community School: (1) Except otherwise provided in the Act, functions, duties and powers of Management Committee of a community school shall be as follows:-

- (a) To conduct, look after, supervise and manage the school,
- (b) To collect necessary financial resource for the school,
- (c) To select teachers for training,
- (d) To cause the teacher who is assigned for training to enter into an agreement prescribing terms and conditions with regard to be involved in service of school for at least three years upon completing the training.
- (e) To protect and promote the service of teachers,

⁺ Inserted by the First Amendment.
[•] Amended by the First Amendment.

- (f) To appoint teachers and other staff to be paid from the school's resource and to pay appointed teachers and other staff salary and allowance not less than the scale prescribed by Government of Nepal for the corresponding teachers and other staff of the equal level,
- (g) To write to the District Education Office for permanent fulfillment if post of any teacher under approved post of Government of Nepal falls vacant within fifteen days from the date of such vacancy,
- (h) To check attendance of teachers and other staff of school, to take necessary action against absent teachers and other staff or to send report along with the committee's opinion to District Education Office for action as required.
- (i) To manage necessary logistics, materials and educational materials for the promotion of educational standard of school,
- (j) To involve school in different programmes to be conducted by Government of Nepal,
- (k) To formulate code of conduct to be abided by students and execute it,
- (l) To keep updated record of teachers,
- (m) To give every information about income, expenditure and educational achievement of the school made in the last academic year and new educational programmes for the coming academic session to the donors

and guardians by calling their meeting each year,

(n) To send information to District Education Office about departmental action taken against a teacher,

☑(n1) To recommend the name of three persons before the District Education Officer from the Auditor referred to in the list received from the Directorate in order to appoint the Auditor,

(o) To make demand with concerned body for payment of the amount of scholarship provided to student,

(p) To deduct the salary of teacher who is absent as recorded in the attendance register by supervisor at the time of surprise check of the school,

(q) To establish secretariat of the Management Committee in the school building and keep school's documents and records safe,

(r) To act according to the direction given by District Education Office.

(2) Management Committee may delegate some of its powers to the member secretary of the Management Committee as may be necessary.

26. Functions, Duties and Powers of Management Committee of Institutionalized schools : (1) Except otherwise provided in the Act, other functions, duties and

☑ Inserted by the Third Amendment.

powers of the Management Committee of an institutionalized schools shall be as follows:-

- (a) To conduct, look after, supervise and manage the school in co-ordination with trustees of educational trust of the school or with the directors of the company,
- (b) To protect and promote the service of the teachers and other staff of the school,
- (c) To cause to appear students in examinations,
- (d) To cause to involve students in different programmes conducted by Government of Nepal,
- (e) To give every information about income, expenditure and educational achievement of the school made in the last academic year and new educational programmes for the following year to the donors and guardians by calling their meeting each year,
- ☒ (e1) To approve number of post of school teachers and to initiate process to fulfill the vacancy permanently within six months from appointment of teachers temporarily in the vacant post of teachers,
- (f) To provide necessary facilities to the appointed teachers and other working staff of the school,

☒ Inserted by the Third Amendment.

- (g) To manage welfare fund of teachers and other staff of the school,
- (h) To spend the amount collected in the Fund pursuant to clause (g) only for the purpose as referred to in the same clause,
- (i) To take departmental action against those teacher and staff who does not work according to their responsibility and duties (conduct),
- (j) To cause to audit of the school by the auditor appointed by District Education Office,
- (k) To frame code of conduct to be observed by students and implement it,
- (l) To act according to the direction issued by District Education Office.

(2) The Management Committee may, if it deems necessary, form Teacher-Guardian Association.

(3) The Management Committee may delegate some of its powers to the member secretary of Management Committee.

27. Procedure Relating to Meeting of Management

Committee: (1) Meeting of Management Committee shall be held at least once in every two months.

(2) Meeting of the Management Committee shall be called by the member secretary of the committee as directed the Chairperson.

(3) Notwithstanding anything contained in Sub-rule (1), if one third members of the Management Committee

request in writing, the member secretary of the Management Committee shall call the meeting at anytime.

(4) The agenda to be discussed at the meeting shall be provided to the members normally three days earlier of the meeting by the member secretary of the Management Committee.

(5) More than Fifty percent of the existing members of the Management Committee shall constitute the quorum for the meeting of the Management Committee.

(6) Chairperson of the Management Committee shall preside over the meeting of the committee and in his/her absence, any member selected from amongst the members present shall preside over the meeting.

(7) Majority opinion in the meeting of the Management Committee shall be valid and in the case of equal division of votes, the person presiding over the meeting may exercise the casting vote.

(8) Other procedures relating to meeting of Management Committee shall be as determined by the committee itself.

28. Circumstances causing to dissolve the Management

Committee: Management Committee may be dissolved in the following circumstances:-

- (a) If school's property is embezzled,
- (b) If school is academic environment is disturbed,
- (c) If any act against the policy of Government of Nepal is committed,

☑(c1) In case the school operated by community does not function as per the agreement entered into pursuant to Sub-rule (5) of Rule 22A,

(d) If the school could not be managed satisfactorily or

(e) If any direction issued by the concerned body or authority is not followed.

●**29. Ineligibility to be the Chairperson and Member of the Management Committee:** The following Persons shall not be eligible to become the Chairperson and the member of the Management Committee:-

(a) Non-Nepalese Citizen,

Provided that, any person among the parents of the school established with the agreement of Government of Nepal may become the Chairperson of Management Committee,

(b) Not attained the age of Twenty five years,

(c) Illiterate Person for the Chairperson of the Primary School's Management Committee, person not completed at least eight class for the Chairperson of the Lower Secondary School Management Committee and person not completed at least S.L.C. or equivalent examination for the Chairperson of the Higher Secondary School's Management Committee.

Provided that, if a person having such educational qualification is not available for the Chairperson of Lower Secondary School and Higher Secondary School, a person having less educational qualification may also become a Chairperson.

☑ Inserted by the Third Amendment.
● Amended by the First Amendment.

- (d) Who is a teacher or working staff for the post of Chairperson in the concerned school,
- (e) Convicted of an offence involving moral turpitude from a court.

30. Provision Relating to Parent Teacher Association: (1)

There shall be a Teacher-Guardian Association consisting of all the teachers of a community school and guardians as its members.

(2) The Management Committee shall, upon calling a meeting of the guardian form in [•]maximum an eleven members teacher-guardian, Executive Committee in which shall comprise of a Chairperson, Head Master, at least a teacher and guardian.

(3) The tenure of office of the members of the executive committee formed pursuant to Sub-rule (2) shall be Two years.

(4) Meeting of the executive committee formed pursuant Sub-rule (2) shall be held at least once in every three months and other procedures relating to meeting of the committee shall be as determined by the executive committee itself.

(5) Functions, duties and powers of the executive committee referred to in Sub-rule (2) shall be as follows:-

- (a) To carry out necessary functions for maintaining quality of education in the school,
- (b) To monitor whether or not the school has fixed fees according to these Rules and

[•] Amended by the First Amendment.

give necessary suggestion to the school in this regard,

- (c) To have an updated information regularly on academic activities of the school and to have interaction on the same.

(6) The Management Committee of an institutionalized school shall, while forming executive committee of Teacher Guardian Association in accordance with these Rules, form the committee consisting of not less than seven members.

Chapter -7

Provisions Relating to Curriculum and Text Books

31. **Curriculum and textbook to be implemented:** School shall implement the curriculum and textbooks approved by the Government of Nepal.

32. **•National Curriculum Development and Evaluation Council:** (1) For the formulation of policy on **•Curriculum Development and Evaluation**, there shall be a **•Curriculum Development and Evaluation Council** comprising of the following persons as members:-

- (a) Education and Sports -Chairperson
Minister or Minister of State
- (b) Member of National Planning -Member
Commission, looking after
Education Sector
- (c) Secretary of the Ministry -Member

• Amended by the First Amendment.

- (d) Joint secretary of the Ministry (Education Administration Division) -Member
- (e) Director General of the Department -Member
- ☑ (e1) Executive Director, Centre for Development of Educational Human Resource -Member
- (f) Controller, Office of the Controller of Examinations -Member
- (g) Director, Curriculum Development Centre, Tribhuvan University -Member
- (h) Curriculum Chief, Higher Secondary Education Board -Member
- (i) Curriculum Specialist, Central Department of Education, TU -Member
- (j) Chief, Curriculum Development Centre, Nepal Sanskrit University -Member
- (k) One person from amongst the curriculum specialists nominated by the Ministry -Member
- (l) Two persons from amongst the renowned academicians -Member

☑ Inserted by the Third Amendment.

on school education
nominated by the Ministry

- (m) Representative, Teachers -Member
Union, central committee
- (n) Director General, Curriculum -Member-
Development Centre Secretary

(2) Three specialists of the concerned subjects may be invited as observers to take part in the meeting of [•]National Curriculum Development and Evaluation Council.

(3) The tenure of the members nominated as per Sub-rule (1) shall be Four years.

(4) Functions of secretariat of [•]National Curriculum Development and Evaluation Council shall be carried out by the Curriculum Development Centre.

(5) Procedure of meeting of [•]National Curriculum Development and Evaluation Council shall be as determined by the council itself.

33. Functions, Duties and Powers of [•]National Curriculum Development and Evaluation Council:

Functions, duties and powers of [•]National Curriculum Development and Evaluation Council shall be follow:-

- (a) To formulate policies relating to designing curriculum and text books to be implemented in the school,
- (b) To form subject committees or sub-committees as required for designing curriculum,
- (c) To submit curriculum and text books to the Government of Nepal for its approval,

[•] Amended by the First Amendment.

- (d) To approve policy and procedure of curriculum improvement,
- (e) To formulate policy on course book writing, approval and use,
- (f) To formulate working policy on remuneration for course book writing and distribution,
- (g) To form committees in each Development Region under the Chairpersonship of Director ⁺and in the Chairpersonship of the District Education Officer in each District for the purpose of collecting suggestion relating to curriculum and to prescribe functions, duties and powers of the committee,
- (h) To [•]approve lists of additional reading materials and reading books,
 - ⁺(h1) To make recommendation for necessary review to Government of Nepal after evaluating the approved curriculum and books,
 - ☒ (h2) To make recommendation to Government of Nepal for approval to conduct teaching of additional subjects without making any difference in the total credit hours of the curriculum approved by Government of Nepal in case of schools operated by any particular nature of organizations subject to the National Education Policy,
 - ☒ (h3) To formulate policy on approval for multi text books and to submit to Government of Nepal,
 - ☒ (h4) To delegate its functions, duties and process to the Curriculum Development Centre as may be necessary,

⁺ Inserted by the First Amendment.
[•] Amended by the First Amendment.
☒ Inserted by the Third Amendment.

- (i) To carry out other necessary functions for the development of curriculum and promotion of its quality.

34. **To Prepare Course Book:** The Curriculum Development Centre shall prepare the copy of a textbook to be taught in school.

35. **Approval to be Obtained for Teaching Additional Reading and Teaching Materials and Textbooks:** (1) If any school wants to use additional teaching materials or books, application shall be filed in the concerned District Education Office for approval.

(2) Upon making inquiry into the application received pursuant to Sub-rule (1), if it seems reasonable to grant approval to the applicant school for teaching additional reading material or teaching books and if the additional reading materials and books so demanded are found to have been included in the book list the approved by Curriculum Development Centre, the District Education Officer shall grant approval to use such additional reading materials or reading books.

(3) Approval for the optional subject to be taught in the school shall have to be taken from District Education Office.

36. **Supervision and Monitoring:** (1) It shall be the duty of the Director and District Education Officer to monitor and supervise whether any school has implemented the curriculum and text books and other supplementary education materials as approved by Government of Nepal.

(2) The Director and District Education Officer shall, upon making inquiry on whether or not the approved

curriculum and course books are available in the concerned district one month before the commencement of academic session, give information to the Ministry and related body or office.

37. Punishment May be Imposed for not Implementing Approved Curriculum and Course Books and for Causing to Purchase Course Books:

(1) If any school does not implement approved curriculum and text books, District Education Officer shall instruct the concerned Headmaster to implement approved curriculum and text books.

(2) No school shall compel students to buy course books from the school.

(3) If the Headmaster does not implement approved curriculum or text books in the school in accordance with the order given pursuant to Sub-rule (1), and compels students to buy text books from the school, the District Education Officer shall punish such Headmaster as referred to in the Act.

38. Recognition and Equivalency Determination Committee:

(1) For the recognition and equivalency fixation of the certificate or degree obtained upon studying and passing equivalent secondary level examination from foreign educational or academic institution, there shall be a Recognition and Equivalency Determination Committee comprising of the members as follows:-

- (a) Joint Secretary, (Educational
Administration Division) the -Chairperson
Ministry

- (b) Controller of Examination,
Office of the Controller of Examination - Member
- (c) Representative, Tribhuvan University -Member
- (d) Representative, Higher Secondary Education Board -Member
- (e) Director General, Curriculum Development Centre -Member Secretary

(2) Other functions, duties and powers of the Committee referred to in Sub-rule (1) shall be as prescribed by the Ministry and the procedure relating to its meeting shall be as specified by the committee itself.

(3) The Curriculum Development Centre shall carry out the functions of secretariat of the committee referred to in Sub-rule (1).

Chapter - 8

Provisions Relating to Operation and

Control of Examination

39. Operation and control of Primary Education

Examination: The concerned school shall itself operate and control Primary Education Examinations.

40. Operation and Control of Lower Secondary Education

Examination: (1) District Education Officer in each district shall form a five-member Board of Examination including representative of teachers under his/her own Chairpersonship in order to operate and control the district wide examination

to be taken at the end of the Lower Secondary Level Education.

(2) The tenure of the nominated members of the Board formed pursuant to Sub-rule (1) shall be three years.

(3) District Education Officer shall appoint any office staff of his/her own office to work as the secretary of the Board of Examination.

(4) The Board of Examination may invite specialists of concerned subject to take part in the meeting of the Board of Examination.

(5) Procedures related to the meeting of the Board of Examination shall be as determined by the Board itself.

41. Functions, Duties and Powers of Lower Secondary Education Certificate Examination Board: (1)

Functions, duties, and powers of the Lower Secondary Education Certificate Examination Board shall be as follows:-

- (a) To formulate policy relating to operation of examination,
- (b) To give permission to the school which has maintained the minimum standard of education prescribed by the Ministry to conduct examination of the school by itself or to conduct in cluster wise form,
- (c) To specify examination centre,
- (d) To operate examination by dividing school in clusters,
- (e) To cause to publish examination results and to award certificates to passing students,

- (f) To fix examination fees and remuneration to the employees involved in the works relating to examination,
- (g) To cause to take re-examination, as to required by canceling the already held examination if there found any irregularity at any examination centre or to close such examination centre,
- (h) To take prompt necessary decision if any obstruction takes place in operating examination or publishing results at the scheduled time due to reasons of any natural calamity or any other causes,
- (i) To do other works as prescribed / assigned by the Ministry, Department and Office of the Director.

(2) Board of Examination may delegate some of its powers conferred to it pursuant to Sub-rule (1) to a sub-committee or working group by forming such group or committee or any other official as may be necessary.

42. Secondary Education Examination Board: (1) In order to operate and control Secondary Education Examination, there shall be a Secondary Education Examination Board comprising of the members as follows:

- (a) Secretary of the Ministry -
Chairperson
- (b) Joint secretary of the -Member
Ministry (Education
Administration Division)

- (c) Director General, the -Member
Department
- (d) One Director nominated -Member
among the directors by the
Ministry
- (e) Controller of Examination, -Member
Higher Secondary Education
Board
- (f) Director General, Curriculum -Member
Development Centre
- (g) Controller of Examination, -Member
Tribhuvan University
- (h) One person nominated among -Member
academicians by the Ministry
- (i) Controller of Examination, -Member-
Office of the Examination, secretary
Ministry

(2) The tenure of the members nominated pursuant to Sub-rule (1) shall be of three years.

(3) The Board of Examination may invite specialist in the concerned subject as an observer to take part in the meeting of the Board of Examination.

(4) Office of the Controllers of Examination shall work as secretariat of the Board of Examination.

(5) Procedure relating to meeting of the Board of Examination shall be as determined by the Board itself.

43. Functions, Duties and Powers of the Board of Secondary Education Certificate Examination: (1)

Functions, duties and powers of the Board of Secondary Education Examination shall be as follows:-

- (a) To formulate policy relating to operation of examinations,
- (b) To determine criteria for fixing examination centre,
- (c) To cause to operate examination,
- (d) To fix fees for registration for examination, application form and for examination,
- (e) To fix remuneration and allowances for the employees involved in works relating to examinations,
- (f) To publish examination results and make arrangement to award certificate to the passing students,
- (g) To take necessary actions against teachers and other staff violating the Rules relating to the examinations,
- (h) To cause to operate reexamination, if necessary, by canceling the already taken examination if any irregularity is found to have been committed at any examination centre, or cancel such examination if any irregularity is found at any examination centre, or close such examination centre,
- (i) To take necessary prompt decision in case of any obstruction in operating examination

or publishing results in scheduled time due to natural calamity or any other reason,

- (j) To prescribe functions, duties and powers of head examiners, examiners and question setters,
- (k) To cause to dispose of the answer sheets adopting regular process after one year of publication of the results.

(2) The Board of Examination referred to in Sub-rule (1) may delegate some of its powers, to sub-committee or working group having formed such sub-committee or working group or to any official as may be necessary.

44. Functions, Duties and Powers of the Member-Secretary of the Board of Examination: Functions, duties and powers of the Member-Secretary of Board of Examination shall be as follows:-

- (a) To appoint question paper setters, head examiners, deputy head examiners and other necessary staff,
- (b) To cause to conduct examination and examine answer sheets in fair and regular manner, and give necessary direction to the concerned persons,
- (c) To delegate his/her own powers to any member of the Board of Examination as may be necessary,
- (d) To act according to direction of Board of Examination or the Chairperson of the Board in connection with the conduct of examinations.

45. Conduct of Secondary Education Examination: Functions relating to operation of Secondary Education Certificate Examination shall be carried out by the office of

the Controller of Examination under the direction of the Board of Examination.

46. Secondary Education Examination Co-ordination

Committee: (1) In order to operate Secondary Education Examination in fair and regular manner, there shall be a Secondary Education Examination Co-ordination Committee in each district comprising of the members as follow:-

- (a) Chief District Officer - Chairperson.
- (b) Chief of District Police Office - Member.
- (c) District Education Officer - Member-Secretary.

(2) Functions, duties and powers of the committee formed pursuant to Sub-rule (1) shall be as follows:-

- (a) To fix examination centre,
- (b) To appoint superintendent and other necessary employees,
- (c) To operate examination in the concerned district in a fair and regular manner,
- (d) To carry out or cause to carry out other functions as prescribed by the Ministry and Board of Examinations.

• 47. Special Provisions may be made in the examination for incapacitated persons: (1) For blind, deaf, dumb, incapacitated persons or mentally retarded persons, provisions may be made to attempt the questions in examinations in a symbolic language which he/she may understand.

• Amended by the Third Amendment.

(2) In case it seems that the students referred to in Sub-rule (1) could not attempt the questions within the prescribed time limit, the superintendent may make available additional time of one hour and thirty minutes in maximum.

Chapter -9

Provision Relating to Non-formal Education

48. Non-formal Education May be Given: (1) Persons who may not acquire education getting admission in school may be given non-formal education in the manner as follows:-

- (a) Basic adult literacy education,
- (b) Post literacy education,
- (c) Continuing education,
- (d) Alternative Educational programmeme,

(2) Curriculum and text books of non-formal education pursuant to Sub-rule (1) shall be as approved by •National Curriculum Development and Evaluation Council.

49. Basic Adult Literacy Education: (1) Generally, basic adult literacy education shall be given to illiterate persons from fifteen to forty five years of age.

(2) Generally, the time duration for conducting Basic Adult Literacy Education classes shall be of six months.

50. Post Literacy Education: (1) Post literacy education shall be given to those who have completed basic adult literacy education.

(2) Generally, the time duration for conducting classes of post literacy education shall be from three to six months.

• Amended by the First Amendment.

51. Continuing Education: (1) The person who has completed post literacy education shall be given Continuing Education.

(2) The time duration for conducting extended education classes shall be as prescribed by the Ministry.

• **52. Alternative Educational Programme:** (1) Alternative educational programmes may be conducted upon using the text materials prepared on the basis of the curriculum of schools for the children not studying in schools or drop out students from the school.

(2) Schools may admit the children who have completed the alternative educational programme in appropriate classes based on their standard.

(3) The school willing to conduct alternative educational programme shall obtain permission from the District Education Office.

53. Non-formal Education Council: (1) In order to formulate policy relating to non-formal education and to co-ordinate, look after and manage it, there shall be a National Non-formal Education Council comprising of the members as follows:-

(a) Minister or Minister of -
State for Education and Chairperson
Sports

(b) Member of National -Member
Planning Commission,
(education sector)

(c) ☒

• Amended by the Third Amendment.
☒ Deleted by the Fourth Amendment.

- (d) Secretary, Ministry of -Member
Education
- (e) Secretary, Ministry of -Member
Health
- (f) Secretary, Ministry of - Member
Local Development
- (g) Secretary, Ministry of -Member
Finance
- (h) Secretary, Ministry for -Member
Agriculture and
Cooperatives
- (i) Secretary, Ministry for -Member
Women, Children and
Social Welfare
- (j) One person nominated by -Member
the Ministry from amongst
the Deans of Central
Department of Education
of Universities
- (k) Joint Secretary of the -Member
Ministry (Educational
Administration Division)
- (l) Director General, - Member
Department of Education
- (m) Member Secretary, Social -Member
Welfare Council

- (n) Chairperson, Federation of -Member
District Development
Committees
- (o) Chairperson, Federation of -Member
Municipalities
- (p) Chairperson, Federation of -Member
Village Development
Committee -
- (q) One person nominated by -Member
the Ministry from amongst
the Chairperson of national
and international non-
governmental
organizations
- (r) Representative, Teachers -Member
Union, central committee
- (s) Director, Non-formal -Member-
Education Centre Secretary

(2) The tenure of the members nominated pursuant to Sub-rule (1) shall be of Three years.

(3) Other functions, duties and powers of Non-formal Education Council shall be as prescribed by the Ministry.

(4) The Secretariat of Non-formal Education Council shall be located at the Non-formal Education Centre.

(5) Procedures relating to meetings of Non-formal Education Council shall be as determined by the council itself.

54. District Non-formal Education Committee: (1) In order to look after, manage, co-ordinate and supervise Non-formal Education in the district level, there shall be a District Non-formal Education Committee comprising of the members as follows:-

- (a) President of District Development Committee -Chairperson
- (b) Chief District Officer -Member
- (c) Secretary, District Development Committee -Member
- (d) Chief, District Public Health office -Member
- (e) Chief, Women's Development Section -Member
- (f) One person nominated by District non-formal education committee from amongst the Chairmen of Village Development Committees or Chief of Municipalities -Member
- (g) One person nominated by District Education Committee from amongst the non-governmental organizations conducting non-formal education programmes in the district -Member

- (h) Programme officer, non- -Member
formal education
programme, District
Education Office
- (i) One person nominated by -Member
District Education Officer
from amongst it
Headmasters
- (j) Chairperson, Teacher's -Member
Union, District Executive
Committee
- (k) District Education Officer -Member-
Secretary

(2) The tenure of the members nominated according to Sub-rule (1) shall be of three years.

(3) District Non-formal Education Committee may form village level and ward level Non-formal Education Committees as may be necessary.

(4) Other functions, duties and powers of the District Non-formal Education Committee shall be as specified by the Non-formal Education Council.

(5) Procedures relating to meeting of the district Non-formal Education Committee shall be as determined by the committee itself.

55. Non-formal Education May be Conducted: (1) If any organization desires to conduct non-formal education, application along with recommendation of the concerned Village Development Committee or Municipality shall be

filed to the District Non-formal Education Committee for approval.

(2) If any application is filed pursuant to Sub-rule (1), the District Non-formal Education Committee shall make necessary inquiry and if it seems to be appropriate to allow conducting non-formal education to the applicant, approval shall be given along with necessary terms and conditions

(3) If any organization does not conduct non-formal education according to the terms and conditions prescribed pursuant to Sub-rule (2), District non-formal Education Committee may revoke the approval given to such organization at any time.

Chapter-10

Provisions Relating to Distance Education

56. Distance Education may be provided: Distance Education may be provided on the following subjects:-

- (a) Teaching education and teachers training,
- ☒ (a1) With regard to school education,
- (b) Other programmes relating to open education.

57. Distance Education Committee: (1) In order to formulate policy relating to distance education and for the co-ordination, supervision and management thereof, there shall be a Distance Education Committee comprising of the members as follows:-

- (a) Secretary, the Ministry of -
Education Chairperson

☒ Inserted by Third Amendment.

- (b) Joint Secretary of the -Member
Ministry (Education
Administration Division)
- ⁹(c) Executive Director, Centre -Member
for Development of
Educational Human
Resources
- (d) Joint Secretary, the -Member
Ministry of Information
and Communication
- (e) Director General of the -Member
Department
- (f) Director General, -Member
Curriculum Development
Centre of the Ministry
- (g) One person nominated by -Member
the Ministry from amongst
the distance education
institutions
- (h) Representative, Teacher's -Member
Union, Central Committee
- ⁹(i) Director, Distance -Member-
Educational Division Secretary

(2) The tenure of the members nominated pursuant to
Sub-rule (1) shall be of Three years.

⁹ Amended by Third Amendment.

(3) Secretariat of Distance Education Committee shall be located at ⁹Centre for Development of Educational Human Resources.

(4) Procedures relating to meeting of Distance Education Committee shall be as specified by the committee itself.

58. Functions, Duties and Powers of Distance Education

Committee: Functions, duties and powers of the Distance Education Committee shall be as follows:-

- (a) To formulate policy relating to distance education,
- (b) To design programmes relating to distance education and to implement,
- (c) To manage necessary resources and means for distance education,
- (d) To provide affiliation to distance education institution,
- (e) To make provision for equivalence of distance education,
- (f) To approve reading materials of distance education on the basis of approved curriculum,
- (g) To supervise and evaluate distance education providing institutions,
- (h) To make provisions for study and research towards providing higher education through distance educate.
- (i) To fix remuneration for evaluation of curriculum and textbook writing.

59. Distance Education may be conducted: (1) If any social organization desires to conduct Distance Education,

⁹ Amended by Third Amendment.

application shall be filed in ⁹the Distance Education Centre through the Centre for Development of Educational Human Resources for an approval.

(2) If application is submitted pursuant to Sub-rule (1), Distance Education Committee shall make necessary inquiry over the application and if it seems appropriate to allow to conduct distance education, approval may be granted having prescribed necessary terms and conditions.

(3) If any organization does not conduct distance education abiding by the terms and conditions pursuant to Sub-rule (2), Distance Education Committee may revoke approval given to such organization at any time.

☑(4) In case any school wishes to conduct distance education, an approval shall be obtained from Distance Education Committee.

Chapter -11

Provision Relating to Special Education

60. **Special Education may be provided:** Special education may be provided to blind, deaf, mentally retarded or physically handicapped children.
61. **Special Education Council:** (1) In order to formulate policy relating to special education and to manage it, there shall be a Special Education Council comprising of the members as follows:-

- (a) Minister or Minister of -
State for Education and Chairperson
Sports

☑ Inserted by Third Amendment.

- (b) ☒
- (c) Member of National Planning Commission, (education sector) -Member
- (d) Secretary, Ministry of Education -Member
- (e) Joint Secretary (Education Administration Division) the Ministry -Member
- (f) Representative, Ministry of Finance - Member
- (g) Representative, Ministry for Women, Children and Social Welfare -Member
- (h) Chief of Ear, Nose, and Throat Department, Bir Hospital
- (i) Chairperson, National Disabled Federation
- (j) One person nominated by Ministry from amongst the specialists on special education -Member
- (k) One person nominated by Special Education Council from amongst the teachers -Member

☒ Deleted by the Fourth Amendment.

in special education

- (l) One person nominated by -Member
Special Education Council
from among those disabled
who have made special
contribution to the
promotion of disables

- (m) Director General -Member
-Secretary

(2) The tenure of the members nominated, as per Sub-rule (1) shall be Three of years.

(3) Secretariat of Special Education Council shall be located in the Department.

(4) Procedures relating to meeting of Special Education Council shall be determined by the council itself.

62. Functions, Duties and Powers of Special Education

Council: Functions, duties and powers of Special Education Council shall be as follows:-

- (a) To grant approval to conduct special education,
- (b) To implement special education curriculum having taken approval from the Curriculum Development Centre,
- (c) To make provision of financial resources for assisting Special Education Programmes,
- (d) To determine procedures for examinations to be taken on special education,

- (e) To make or cause to make provisions for co-ordination, management, supervision, control and inspection of special education institutions and schools,
- (f) To prescribe certain criteria relating to financial grant to be given to the community school to conduct Special Education.

63. Special Education May be Conducted: (1) If any organization desires to conduct special education, an application shall be filed in Special Education Council for approval.

(2) If any application is filed pursuant to Sub-rule (1), the Special Education Council shall make necessary inquiry on the application and if it seems reasonable to give approval to the applicant to conduct special education it may grant approval upon prescribing terms and conditions as may be necessary.

(3) If any organization does not conduct special education as per the terms and conditions prescribed pursuant to Sub-rule (2), the Special Education Council may revoke the approval granted to such organization at any time.

(4) The organization shall complete (manage for) necessary infrastructures as prescribed by the Special Education Council.

64. Appointment and Terms and Conditions of Service of Teachers and Other Staff Working in Special Education Providing Institution: Provisions of appointment, and terms and conditions of service and facilities of the teachers and other staff working in special education institution shall be as prescribed in statute or Rules of the same institution.

65. School May be Opened for Providing Special

Education: (1) An organization may, if it wants, open schools for providing special education.

(2) If an institution conducting special education with financial grant from Government of Nepal at the time of commencement of these Rules opens a community school pursuant to Sub-rule (1), the Ministry may approve necessary teachers' quota for such school.

(3) If there is a teacher working as a permanent teacher in such an institution at the time of the commencement of these Rules, the Commission shall recommend to appoint the same teacher in the vacant post as the vacant post already approved pursuant to Sub-rule (2), subject to the age bar as per Rules and that there shall be no age bar to be appointed in such vacant post.

(4) The Ministry shall appoint the person recommended by the Commission pursuant to Sub-rule (3) to the post of teacher.

(5) Service period of the teacher appointed in accordance with Sub-rule (4) shall be counted from the date of permanent appointment to the institution providing special education as per Sub-rule (2).

66. Facilities to be given to the Institution Providing

Special Education: Facilities as specified by Government of Nepal shall be granted to institutions providing special education.

Chapter -12

Provision Relating to Establishment

of Child Development Centre

67. Provision relating to establishment of Child

Development Centre: (1) If an organization wants to establish Child Development Centre, application shall be filed to the concerned Village Development Committee or the concerned Municipality_[☑]in a format as prescribed in Schedule -2.

(2) If an application is filed pursuant to Sub-rule (1) the Village Development Committee or Municipality shall make necessary inquiry on it and if it is found reasonable to grant approval to the applicant to establish a Child Development Centre, approval shall be granted along with the necessary terms and conditions [☑]in a format as prescribed in Schedule -5.

(3) If an Organization is found to have not conducted Child Development Centre in consistent with the terms and conditions pursuant to Sub-rule (2), the concerned Village Development Committee or Municipality may revoke the approval granted to such centre at any time.

68. Infrastructure required for the Establishment of a

Child Development Centre: The following infrastructure shall be required for the establishment of a Child Development Centre:-

- (a) Having a wide, open, peaceful and safe building.
- (b) Having at least half a *Ropani* or one *Kattha* of land in addition to the building.
- (c) Having provision of Children Park.
- (d) Having provision of clean and healthy drinking water and toilet.
- (e) Having at least two caretakers.

[☑] Inserted by Third Amendment.
[☑] Inserted by Third Amendment.

69. **Approved Curriculum to be used:** Curriculum approved by Curriculum Development Centre shall be used in a Child Development Centre.
70. **Grant to be Given:** Government of Nepal may, on the basis of the recommendation by District Education Officer, grant aid to a Child Development Centre.

Chapter -13

Provisions Relating to Trainings and Instructions

71. **Provisions for Trainings and Instructions may be made:** In order to promote skill of the teachers and other staff under the Ministry, the Ministry may make provisions as follows:-

- (a) To provide trainings,
- (b) To give instruction,
- (c) To conduct programmes relating to Educational Human Resource Development.

•72. **Educational Human Resource Development Council:**

(1) There shall be a Educational Human Resource Development Council comprising of the following members for enhancing working efficiency of teachers, employees under the Ministry and persons involved in communities relating to education and for formulating policies and managing affairs relating to educational human resource development: -

- (a) Minister or Minister of State, for -Chairperson
Education and Sports
- (b) Secretary at the Ministry -Member

• Amended by the First Amendment.

- (c) Vice-Chairperson, Higher -Member
Secondary Educational Council
- (d) Dean, Faculty of Education, -Member
Tribhuvan University
- (e) Executive Director, Nepal -Member
Administrative Staff College
- (f) Joint Secretary at the Ministry as -Member
designated by the Ministry
- (g) Joint Secretary of National -Member
Planning Commission related with
the work of educational human
resources
- (h) Director General, Department of -Member
Education
- (i) Director, Curriculum Development -Member
Centre
- (j) [×]
- (k) Two persons nominated by the -Member
Ministry from amongst the experts
providing training to teacher and
employees within the Ministry
- (l) One Person nominated by the -Member
Ministry from amongst in-charges
of the Training centre relating to
Education

[×] Deleted by the Third Amendment.

- (m) Two Persons nominated by the -Member
Ministry from amongst In-charges
of Training centres relating to
Education in private sector
- (n) Representative, Teachers Union -Member
- (o) Executive Director, Educational -Member
Human Resource Development -Secretary
Centre

(2) The tenure of the nominated member under Sub-rule (1) shall be of Three years.

(3) Educational Human Resource Development Centre shall carry out works of the Secretariat of the Educational Human Resource Development Council.

(4) The procedures relating to meetings of the Educational Human Resource Development Council shall be as determined by the Council itself.

● **73. Functions, Duties and Powers of the Educational Human Resource Development Council:** Functions, duties and powers of the Educational Human Resource Development Council shall be as follows:-

- (a) To specify Educational Human Resources Development Policy relating to improving of working skills of teachers, other employees of the Ministry and persons involved in community relating to education,
- (b) To formulate curriculum related to educational human resource development,

● Amended by the First Amendment.

- (c) To give recognition to and to determine equivalency of trainings imparted by different organizations relating to educational human resource development,
- (d) To formulate and implement plans relating to educational human resources,
- (e) To coordinate with national and foreign organizations in providing educational trainings relating to human resource development and instruction to carry out necessary work,
- (f) To give approval to organizations conducting pre-service teacher training programmes,
- (g) To form sub-committees for carrying functions relating to educational human resource development.

●**74. Educational Human Resource Development Centre:** (1)

There shall be an Educational Human Resource Development Centre in order to carry out educational research works and for enhancing working efficiency of the teachers, employees of the Ministry and persons involved in community relating to education.

(2) The Educational Human Resource Development Centre shall work as the Secretariat of Educational Human Resource Development Council.

(3) There shall be an Executive Director to work as the in-charge of the Educational Human Resource Development Centre.

+74A. Functions, Duties and Powers of the Executive Director of Educational Human Resource Development Centre: Functions, duties and powers of the

● Amended by the First Amendment.

+ Inserted by the First Amendment.

Executive Director of Educational Human Resource Development Centre shall be as follows:-

- (a) To instruct to prepare the agenda to be discussed in the Educational Human Resource Development Council and present it at Council's meeting,
- (b) To implement the decisions of Educational Human Resources Development Council,
- (c) To or cause to supervise, monitor, coordinate or evaluate works carried out by Educational Human Resources Development Centre,
- (d) To conduct research work related to educational training,
- (e) To keep updated the training information system related to educational human development,
- (f) To conduct other works as an in-charge of the Educational Human Resources Development Centre,
- (g) To conduct other works as specified by the Ministry.

75. Not to Leave Trainings or to work in the deputed place: Teacher or any employee deputed in training or instruction programme shall not leave the training or instruction in between without completing it. After the training or instruction is completed the teacher or employee shall work at the place where she/he has been working. If any teacher or employee leaves training in between without completing it or if he/she does not go to the designated place or office after completing training, all the expenses incurred on his/her training or instruction shall be recovered from him/her and departmental action may also be taken.

Chapter -14

Extra Curricular Activities

76. Programme of Extra Curricular Activities to be

conducted: (1) School shall conduct extra curricular activities programmes in order to develop creative skills of the students.

(2) Both the teachers and students shall take part in extra activities programmes.

(3) While conducting extra curricular activities programmes, the school shall carry out as follows:-

- (a) To organize different programmes in school in order to create sense of nationalism and increase interest towards national culture and arts amongst students through entertaining activities such as practice of dramas, dance and folk music and competitions,
- (b) To regularly conduct and practice different kinds of sports for physical development of students,
- (c) To encourage students to be involved in programmes of promoting the feeling of social service and awareness towards environment protection and in the activities such as cleaning and sanitation of educational institution and public places, of protection and building of school, garden, *karesabari*, plantation, literacy campaign etc.
- (d) To encourage and make students give speech on the importance of national,

international, historical, social, religious festivals and morality,

- (e) To encourage students to open scout and junior Red Cross circle etc.

(4) In connection with conducting extra curricular activities programmes as referred to in Sub-rule (1), the school shall cause the students to take part in competitions as follows:-

- (a) Painting and handicraft competition,
- (b) Music competition,
- (c) Dancing competition,
- (d) Drama competition,
- (e) Elocution competition
- (f) Quiz contest,
- (g) Spelling contest,
- (h) Sports competition,
- (i) Literary activities, poem, essay etc. competition,
- (j) Gardening skills competitions,
- (k) Other competitions,

⁺(4A) The school shall involve students in extra-curricular activities on Friday after the study hours.

⁺(4B) The District Education Officer shall regularly conduct district level *Birendra* Shield Competition upon involving the students.

(5) The school may form committee for conducting extra-curricular activities as may be necessary,

⁺ Inserted by the First Amendment.

(6) Rewards may be given to the school and student for standing best in the competitions held pursuant to Sub-rule (4) for their encouragement.

Chapter -15

Number of Students, Admission and

Provisions for Upgrade

77. Number of Students: (1) Generally, in every class of a community school in the Valley and Terai, Hilly and Himalayan region, the numbers of students shall be fifty, forty-five and forty respectively.

⑨(2) The number of students in each class of an institutionalized school shall be twenty two in minimum, forty in maximum and thirty three on an average.

☑(2A) Notwithstanding anything contained in Sub-rule (1) and (2), the number of students to be accommodated in each class of a school imparting special education shall be as prescribed by the Ministry.

(3) In case there are more students than referred to in Sub-rule (1), the school may open another section of that class with the permission of the Management Committee of the school.

(4) The necessary infrastructure to open sections of any class shall be arranged by the Management Committee and the school.

78. Provisions Relating to Admission: (1) Students shall produce his/her original certificate for admission in the school as follows:-

⑨ Amended by the Third Amendment.
☑ Inserted by the Third Amendment.

- (a) ⁹Class five passed certificate for admission in class Six,
- (b) Lower Secondary Education passed Certificate for admission in class Nine,
- (c) Mark-sheet of annual examination and transfer certificate issued by the school for admission in other classes.

(2) A school shall not admit any student in the middle of the academic session or to the student who has brought transfer certificate but not passed the annual examination shall not be admitted in the class higher than he/she has been studying.

(3) The student once admitted in one level need to re-admit in the next class in the same school.

(4) Generally, the student shall come along with his/her guardian while visiting the school first time for admission.

(5) While admitting students, the school shall ask the name of the guardian and address, description of immovable property of the family and estimate of income for providing free education.

(6) Children who have not completed the age of five years shall not be admitted to one class and those who have not completed fourteen years of age shall not be permitted to appear in the Secondary Education Examination.

79. Provision for the Examination of Self studying Students: (1) District Education Office may make necessary provisions for admission of self studying students as

⁹ Amended by the First Amendment.

candidates for the annual examination to be conducted by a school.

(2) The person willing to appear the examination pursuant to Sub-rule (1) shall fill up the form of the school as directed by the District Education Office upon depositing the fee as prescribed by the Office.

(3) Any person willing to appear in the annual examination pursuant to Sub-rule (1) shall submit certificate of passing two class lower than the class for which he/she wants to appear in examination.

80. Provision Relating to Transfer Certificate: (1) In case any student has to take transfer certificate, he/she shall submit an application to the Headmaster along with a recommendation of guardian stating the real cause for leaving the school.

(2) Notwithstanding anything contained in Sub-rule (1), no transfer certificate shall be issued to the student studying in class 10.

Provided that, the transfer certificate may be issued within two months of the commencement of the academic session with recommendation of the school to which the student is to be transferred to and with the approval of the District Education Office in the following circumstances:-

- (a) If the guardian of the student is an employee and he/she has been transferred during that time,
- (b) If the girl student is to migrate to other place due to matrimonial relationship, or
- (c) If the guardian migrates.

(3) If an application is filed pursuant to Sub-rule (1), the Headmaster of the school shall issue transfer certificate within seven days free of charge in case of primary level student and upon levying fee as specified in case of student of other levels.

(4) The concerned student may file a complaint at the District Education Office if the Headmaster does not issue the transfer certificate in time pursuant to Sub-rule (3), and in case of such complaint the District Education Officer may, if found appropriate upon conducting necessary inquiry on such complaint, order the Headmaster to issue the certificate at earliest convenience.

(5) In case the original certificate is lost or destroyed, the concerned student or his/her concerned guardian may file an application stating the reasons in the concerned school to get issued duplicate copy of the transfer certificate and if it seems appropriate, the Headmaster may issue the requested duplicate certificate to the applicant.

(6) If any school issues transfer certificate to any student without teaching in the stated class, the Headmaster shall be liable for punishment as per the existing Act and the certificate so issued shall be invalidated.

(7) The student shall deposit the tuition fee along with other dues up to the month in which he/she is seeking the transfer certificate in the same school. If the student requests transfer certificate in the month before the month falling a long vacation (winter/summer vacation), he/she shall deposit the tuition fees, including other dues, of the said vacation in the same school.

(8) While issuing transfer certificate to the student under these Rules, the school shall issue the certificate

having duly executed a receipt by the student or his/her guardian.

81. Admission of Failed Students: If any student fails the secondary level examination and he/she comes to join the school, the school shall admit him/her in the class of secondary level which the student chooses.

82. Provisions Relating to Promotion of Students Without Taking Annual Examination: When any student, due to serious illness or due to circumstances beyond his/her control, cannot attend the annual examination and his/her guardian submits application along with genuine proof and if the Headmaster finds it reasonable and record of the concerned student shows him/her done well in other examinations, the Headmaster may upgrade such student having taken examinations of the required major subject.

Provided that,

(1) No student shall be upgraded after one month of the beginning of the new academic session.

(2) No student shall be upgraded to classes six and nine.

83. Other Provisions Relating to Upgrade to Class: The Headmaster may upgrade very intelligent student to one class higher than the regular one on the recommendation of the teachers teaching in the same class.

Provided that, no student may be upgraded to classes six and nine.

84. Academic Session, Time of Admission and Working Days: (1) Academic session of a school shall begin from the 1st *Baishakh* and run till the last of *Chaitra*.

(2) Generally, a school shall admit students within one month of the commencement of the academic session.

(3) In case any student comes for admission after expiry of the period referred to in Sub-rule (2) and in case the school finds the candidate suitable in the test and the student seems to be capable for passing annual examination, the school may admit such a student within another one month.

(4) No student shall be admitted prior to commencement of an academic session.

(5) The minimum working days of a school in one academic session shall be Two Hundred Fifty days.

(6) The teacher of a Community School shall take at least Twenty- Four periods of class in a week.

85. School to be Closed: (1) A school shall remain closed on the public holidays as declared by Government of Nepal.

(2) The school shall remain closed from the *Ghatasthapana* of *Badadashian* till *Purnima* on *Bada Dasain*.

(3) The Management Committee of school may allow five days additional holidays in one academic session as local holiday, in addition to the holidays referred to in Sub-rule (2).

(4) If a school remains closed except as provided to in sub-Rules (1) and (2), departmental action shall be taken against the Headmaster.

Chapter -16

Formation of School Education Service,

Level and Classification

86. Formation of School Education Service: School Education Service shall be formed amongst the teachers appointed to school.

87. Classification of School: (1) Schools are divided into the following levels:-

- (a) From class One to Five- primary level,
- (b) From class Six to Eight - Lower secondary level, and
- (c) From class Nine to Ten - Secondary level.

(2) Primary level and Lower secondary level pursuant to Clauses (a) and (b) of Sub-rule (1) shall be deemed as basic level.

88. Classification of Teachers: In order to develop teachers' career, school teachers of each level have been divided in three classes as first, second and third classes.

89. Number of Teachers' Posts and Division of the Class Teachers: On the basis of the following posts of the Teachers provided for district level for Community schools by Government of Nepal classes of the teachers shall be determined as per the following ratio:-

No. of Total post	3 rd class	2 nd class	1 st class
5	4	1	-

⁹ Amended by the Fourth Amendment.

10	8	2	-
15	12	3	-
20	16	4	-
25	20	5	-
30	24	6	-
35	28	7	-
40	32	8	-
45	36	9	-
50	40	9	1

90. Post not to be Deemed Vacant: If any teacher gets promotion to the higher class post, the post in which he/she was working shall be *ipso facto* changed in to the class he/she has been promoted. The post of his/her earlier class shall not be deemed to be vacant even so promoted.

91. Post of Female teacher to be created: (1) If there are up to three posts of teachers in a primary school, there shall be one post for a female teacher, if there are up to seven posts, there shall be at least two posts for female teachers and if there are more than that posts there shall be at least three posts for female teachers.

(2) If a post of teacher falls vacant for whatsoever reasons in a school in which a male teacher has been serving before the commencement of this Rule, female candidate

• Amended by the Third Amendment.

shall be appointed subject to the provision referred to in Sub-rule (1).

(3) Notwithstanding anything contained in Sub-rule (2), if a post of teacher could not be fulfilled by a female candidate, the concerned official may, with the approval of the Director, appoint a male candidate.

(4) In case any one appoints teacher in violation of Sub-rule (2), the District Education Officer shall invalidate such appointment and may take actions against the authority or official who makes such appointment as referred to in these Rules.

92. Posts of Teachers' in a School: Posts of teachers in a community school shall be as referred to in Schedule -12 on the basis of posts approved by the Ministry.

[☑]Provided that, the posts of teachers of the community school imparting special education shall be as prescribed by the Ministry.

Chapter -17

Appointment of Headmaster and Teachers and Functions, Duties and Powers

93. Provisions Relating to Appointment of Headmaster:

(1) There shall be a Headmaster in each school to function as the administrative chief of the school.

(2) Management Committee shall recommend the names of at least two permanent teachers from amongst the teachers working in the community school ⁺at the same level of school in which he/she is interested to be the Headmaster and who have secured at least 70 marks as per Schedule -13

[☑] Inserted by the Third Amendment.

⁺ Inserted by the First Amendment.

to District Education Officer for appointment to the post of Headmaster.

(3) District Education Officer shall appoint to the post of Headmaster to a teacher who has secured the highest marks from amongst those recommended pursuant to Sub-rule (2).

(4) Notwithstanding anything contained in Sub-rule (3), if none of the teacher of the concerned school has secured of marks 70, District Education Officer shall appoint any other teacher working in other community schools within the district who has secured 70 marks, to the post of Headmaster.

☑(4a) Notwithstanding anything contained in Sub-rules (2), (3) and (4), in case the post of Headmaster along with the post of a school operated by community falls vacant, the Management Committee shall publish advertisement pursuant to Rule 22E. in order to fulfill the vacant post.

☑(4b) In response to the advertisement published pursuant to Sub-rule (4a), the permanent teachers of community school working in the concerned level may submit application pursuant to schedule 13A. alongwith the proposal for development of the school.

☑(4c) Upon receipt of applications pursuant to Sub-rule (4b), the Teachers Selection Committee shall form an expert group in order to evaluate the proposal for development of the school which has been submitted pursuant to Sub-rule (2) and recommend the candidate securing at least 70 marks also on the basis of the expert group for appointment to the post of Headmaster.

☑ Inserted by the Third Amendment.

☑(4d) In case none of the candidates could secure 70 marks pursuant to Sub-rule (4c) the Teachers Selection Committee shall recommend for the appointment to the post of Headmaster has secured highest marks.

☑(4e) Notwithstanding anything contained in Sub-rule (4a), in case any school does not have vacancy of a post of the teacher but only the post of Headmaster is falling vacant, the Teachers Selection Committee shall make recommendation for appointment to the post of Headmaster from amongst the permanent teachers working in the same school upon conducting competitive examination.

☑(4f) The Management Committee subject to Sub-rules (4c), (4d) and (4e) shall appoint to the post of Headmaster to the candidate who has been recommended for appointment.

(5) If the school supervisor submits report stating that the Headmaster is not working satisfactorily or found to have bad character, and Management Committee also recommend the same, District Education Officer may dismiss such Headmaster from the post at any time.

Provided that, such Headmaster shall not be denied to an opportunity to defend himself/herself before dismissal.

☑(5a) Notwithstanding anything contained in Sub-rule (1), in case the functions of the Headmaster of a school operated by the community is not satisfactory or his/her conduct is bad or he/she has not carried out functions as stated in the proposal for school development which he/she has submitted while getting appointment as a Headmaster, the Management Committee shall give an opportunity to defend him/herself.

☑ Inserted by the Third Amendment.

☑ Inserted by the Third Amendment.

☑(5b) In case one does not submit defense pursuant to Sub-rule (5a) or the defense so submitted is not satisfactory such Headmaster may be relieved from the post of Headmaster at any time.

Provided that, the Headmaster relieved from the post of Headmaster for being failed to carry out the functions as per the proposal for school development submitted at the time of appointment as a Headmaster shall continue the post of the teacher.

(6) The Headmaster shall be entitled to a monthly allowance as follows:-

- (a) Headmaster of secondary school - Five Hundred Rupees.
- (b) Headmaster of lower secondary school - Three Hundred Rupees.
- (c) Headmaster of primary school - Two Hundred Rupees.

94. Functions Duties and Powers of Headmaster: Functions duties and powers of Headmaster shall be as follows:-

- (a) To maintain academic environment, academic quality and discipline,
- (b) To create an environment of mutual co-operation among teachers and other working staff, students and guardians upon coordinating with the teachers and other employees,
- (c) To carryout necessary functions for maintaining discipline, good moral character, politeness etc. in the school,

- (d) To prepare programmes for running the classes in the school in consultation with the teachers, and supervise whether or not the classes have been run as per the programme,
- (e) To make or cause to make provision for sanitary, extra curricular and other activities in the school,
- (f) To operate and control the administrative functions of the school,
- (g) To admit students in school and cause to conduct examination,
- (h) To issue transfer and other certificates to the students,
- (i) To keep records of significant works and activities of the school,
- (j) To recover losses incurred to school property from the salary if a teacher causes such loss knowingly or negligently,
- (k) To take departmental actions including dismissal from the service on the recommendation of the Management Committee, against any teacher or employee appointed in the school on its own resources who do not perform their official duties,
- (l) To maintain records of the penalty given to the teachers and other employees and to show such records to District Education Officer and Supervisor when they want to see it,
- (m) To submit reports relating conduct, behaviour and work performance of teachers and other employees to District Education Office and Management Committee,

- (n) To make recommendation to Management Committee and District Education Office for reward and punishment to teachers,
- (o) To hold teachers meeting at least once a month and discuss on the school related matters and to maintain record thereof,
- (p) To submit salary reports of the teachers and other employees appointed on the own resources of the school to the Management Committee for endorsement,
- (q) To restrain any mischievous activity in the premises of school and hostel,
- (r) To prepare annual programmes of the school and to implement it upon the approval of the Management Committee,
- (s) To prepare monthly, half yearly and annual programmes relating to teaching and learning activities in the school and to implement such programmes,
- (t) To send teachers to District Education Office for training with the approval of the Management Committee,
- (u) To expel any student from the school violating discipline,
- (v) To implement the curriculum and textbooks prescribed by Government of Nepal in the school,
- (w) To spend budget as per the direction and powers entrusted to him/her by the Management Committee and to maintain or cause to maintain the accounts of income and expenditure,

- (x) To conduct or cause to conduct periodical examinations to be held in school in a regular, fair and dignified manner,
- (y) If more than fifteen percent of students fail in any subject taught by any teacher for a period of the three consecutive years or if any teacher commits any act with negligence or against discipline, to withhold the grade of such teacher for a period of two years,
- (z) To take or cause to take classes in the school daily as prescribed by the Ministry,
- (aa) To send salary report of the teachers working in the school under the posts approved by Government of Nepal to District Education Office for approval,
- (bb) To prescribe functions and duties of the teachers and other employees working under him/her,
- (cc) To abide or cause to abide by the directives issued by Management Committee and the District Education Office,
- (dd) To send details and statistics relating to academic progress of the school having it certified by the Inspector in the format and within the time prescribed by the Ministry;
- (ee) To fill up the work performance evaluation forms of teachers appointed on the school's own resources and to submit them to the Management Committee.

95. Appointment of Teacher of Community School: (1)

District Education Office shall appoint the candidate recommended for appointment by the Commission in the post of a teacher within thirty days from the date of receipt of such recommendation. The teacher so appointed shall attend

the concerned school within fifteen day from the date of receipt of such appointment letter.

(2) The concerned candidate shall, prior to be appointed pursuant to Sub-rule (1), submit his/her certificate of academic qualification, Nepalese citizenship certificate and health certificate in the format as provided in Schedule-14 to the District Education Officer.

(3) In the appointment letter to be issued pursuant to Sub-rule (1), salary to be paid and other facilities, if any, shall be referred clearly.

(4) Upon issuing appointment letter pursuant to Sub-rule (1), District Education Officer shall administer an oath of office of such teacher in format as provided in Schedule -15, and keep his/her photo and other description in his/her office and send one copy each to Teachers Record Office and the concerned school.

(5) The teacher appointed pursuant Sub-rule (1) shall fill in three copies of personal and job description form (sheet Roll) in the format as provided in Schedule -16 and send to District Education Office within three months from the date of receipt of appointment letter. The District Education office shall send those forms to Teachers Record Office for verification.

(6) The Teachers Record Office shall, having verified the forms received pursuant to Sub-rule (5) retain one copy of such forms in Record Office and sends one copy to each the District Education Office and concerned school for keeping them there.

96. Probation Period: (1) The teacher appointed pursuant to Rule 95 shall undergo one year's probation period.

(2) If performance of a teacher subjected to such probation period in accordance with Sub-rule (1) is not found satisfactory, the appointing authority may dismiss such teacher from the service.

97. Provision Relating to Temporary Appointment: (1)

Until any candidate has come with recommendation for permanent appointment to any vacant post of government approved post, School Management Committee may, on the recommendation of the committee referred to in Sub-rule (2), appoint temporary teacher for a period of six months in maximum.

⁺Provided that, the Management Committee shall appoint the teacher only after certification from the District Education Office that such a post is vacant and such teacher may be appointed only if subjects of higher secondary and lower secondary match.

(2) In order to appoint teacher pursuant to Sub-rule (1), the Management Committee shall form a three-member committee under the Chairpersonship of the Chairperson of the Management Committee comprising of the Headmaster and one local intellectual, and the committee shall, through an open competition of the persons having qualification to be appointed to teacher as per the existing Act, recommend the person passed in such competitive examination for appointment to the post of a teacher.

(3) The candidate taking part in the competitive examination pursuant to Sub-rule (2) shall submit certificate of academic qualification, Nepalese citizenship certificate and health certificate in the format as provided in Schedule-14.

⁺ Inserted by the First Amendment.

⁺(4) The school shall provide the information of such appointment of a teacher pursuant to Sub-rule (1) to the District Education Officer.

⁺(5) Notwithstanding anything contained in Sub-rule (1), in case the permanent teacher is not replaced within six months of appointing the temporary teacher, the management committee may extend the time of the temporary teacher for a period of six months each time. If the school extends the time, such information shall be forwarded to the District Education Office.

⁺(6) If a teacher is appointed not completing the procedures as required pursuant to Sub-rule (2), the District Education Officer shall declare such appointment invalid.

98. No Appointment or Transfer of Teacher if there is no Vacant Post: (1) No person or teacher shall be appointed or transferred to the school where there is no vacant post.

(2) In the school where there is no teacher of the subject referred to in Schedule -12, any teacher of any other subject shall not be appointed or transferred.

(3) If any person appoints or transfers any person or teacher in defiance of Sub-rule (1) or (2), the amount expended as salary, allowance on such teacher shall be recovered from the authority that appointed or transferred him/her.

99. Provision Relating to Transfer: (1) The teacher interested to get transferred shall submit application in a format as per Schedule-17 to the District Education Officer.

(2) Generally, female and physically handicapped teachers shall not be transferred to any unsuitable place.

⁺ Inserted by the First Amendment.

(3) Teacher not serving at least for Five years in case of remote areas declared by Government of Nepal and not serving at least seven years in one district in case of other areas shall not be transferred from one district to another.

Chapter -18

Salary, Allowances and Other Facilities

100. Salary and Allowances: (1) Teachers shall be entitled to salary and allowances as specified by Government of Nepal from the date of assumption of his/her office.

(2) Except in case of suspension under these Rules, a permanent teacher shall be entitled to one grade as prescribed by Government of Nepal upon completion of one academic session.

101. Earned Pay to be received: (1) A teacher shall, upon completion of every month, be entitled to salary and allowances, if any.

(2) Teacher shall be entitled to salary and allowances of the period he/she worked even if he/she is no longer in service for whatsoever reason.

102. Provision relating to pay scale of the promoted teachers: A teacher promoted to the higher class shall get initial pay scale of the promoted class.

Provided that, if the pay scale one is receiving at present is equal to or more than the pay scale of the promoted class, his/her pay scale shall be prescribed as follows:-

- (a) If the present pay scale is equal to the initial pay scale of the promoted class, one grade shall be added to his/her pay.

- (b) If the initial pay scale of the promoted class is less than what he/she was receiving, the pay scale shall be increased to make it at par with what he/she was receiving and then one more grade of the present class shall be added.

103. Provident Fund: (1) The school shall deduct ten percent of amount from the monthly pay of the permanent teachers and deposit it to the Provident Fund.

(2) Government of Nepal shall add cent-percent to the amount deducted pursuant to Sub-rule (1).

104. Dashain Allowance to be Paid: (1) Teachers shall be entitled to an amount equal to One month's salary per year as Dashain Allowances.

(2) The retired teachers receiving pension shall also be entitled to One month's pension as Dashain expenses.

105. School to Bear the Expense of Salary and Facilities: Notwithstanding any thing contained elsewhere in this chapter, the institutional and community schools who have appointed teachers from their own resources shall bear the salary and facilities to be provided pursuant to this chapter of such teachers by themselves.

Chapter -19

Provision Relating to Leave and Deputation

106. Leave for the Teachers: (1) The teachers shall be entitled to receive the following types of leaves.

- (a) Casual leave six days in a year.
- (b) Festival leaves up to six days in a year.
- (c) Sick leave up to twelve days in a year.

- (d) Maternity leaves up to sixty days before or after childbirth.
- (e) Obsequies leave up to fifteen days.
- (f) Extraordinary leaves not exceeding one year at a time and three years during the whole period of service.
- (g) Study leave up to three years at once or in compartment.

(2) Casual leave and festival leave may be taken for even half a day. These leaves shall not be accumulated.

(3) The teachers may have the sick leave accumulated or carried forward to the next year. Teachers shall have their sick leave certified by the supervisor. If a teacher retires from the service for any reason, he/she shall receive the money for his/her accumulated leave in one installment on the basis of his/her monthly pay.

(4) If a teacher is seriously ill and his/her accumulated leave is not sufficient for treatment, he/she may take additional sick leave of up to Twelve days in advance by producing the medical certificate in the course of his/her treatment from registered doctor. The sick leave taken in advance by the teacher shall be condoned in the case of death.

(5) If any teacher dies before receiving the cash amount for the accumulated sickness leave, such amount shall be paid to his/her nominee or to his closest heir.

(6) The maternity leave shall be granted only for twice.

(7) Only the teacher who needs to perform obsequies rites shall be granted such a leave. Female teacher, whose

husband needs to perform obsequies rites, shall also get the leave for performing obsequies rites of the deceased relative.

(8) Except in case of falling sick, a teacher not completing a permanent service period of five years shall not be entitled to extraordinary leave.

(9) Study leave may be granted to permanent teachers completing five years of service for higher studies.

(10) Teacher on casual leave, festival leave, sick leave, obsequies leave, maternity leave and study leave shall be entitled full salary.

(11) No teachers on extraordinary leave shall be entitled to salary.

107. Authority to Approve Leave: (1) The School Management Committee shall approve the leave of the Headmaster and the Headmaster shall approve the leave of other teachers.

Provided that, the Headmaster him/herself may remain on casual leave or festival leave not exceeding three days at a time. If the Headmaster has to take more days as casual or festival leave, he/she shall inform the Chairperson of the Management Committee.

(2) Notwithstanding anything contained in Sub-rule (1), only the District Education Officer may approve the extraordinary leave and study leave of the Headmaster on the recommendation of the School Management Committee.

108. Leave Without Approval not to be Counted in Service Period: Days on which a teacher remains absent at duty without getting a leave approved shall not be counted in the service period.

109. Leave for Temporary Teachers: If a temporary teacher leaves his/her job without utilizing the summer vacation or

the winter vacation, he/she shall receive the amount for the leave having calculated ten months as an annual duration of work for the time he/she worked.

110. Leave only a facility: Leave shall only be a facility and is not a matter of right.

111. Deputation and Daily Allowances: (1) The teacher deputed to attend any meeting, conference or a seminar shall be on deputation for the period as referred to in the order of the Directorate or the District Education Office.

(2) A teacher and Headmaster may go on deputation for the work of the school for a period of one week in maximum with the approval of the Headmaster and the chairperson of the Management Committee respectively.

(3) The school issuing travel order to the teacher to go to other school in which he/she has been transferred shall also give the daily allowances and traveling allowance as specified by the Ministry.

Provided that, teacher getting transferred on their own shall not be entitled to the travel and daily allowances under this sub-rule.

(4) The Department may on the recommendation of the union, approve the deputation of two of the teachers who are the members of the central committee of the teachers union for up to three years, for a period of one year at a time.

×

☒ (5) In case any school have more post of teacher in proportion to the number of students, such posts shall be transferred to the post of reserve pool of the District Education Committee and such teachers may be deputed to

× Deleted by the Third Amendment.
☒ Inserted by the Third Amendment.

any school which has in sufficient teachers in proportion to the number of students.

112. Provisions of this Chapter not to be applicable:

Notwithstanding anything contained elsewhere in this chapter, the provisions of this chapter shall not be applicable to the teachers of the institutional and community schools who are to be paid from school's own resource.

Chapter -20

Pension, Gratuity, Medical Expenditures **and other Provisions**

- 113. Pension:** Teachers, appointed in the permanent posts approved by Government of Nepal and completed a service period of at least twenty years, shall be entitled to a monthly pension at the following rate:-

$$\frac{\text{Total service period} \times \text{last month's salary}}{50} = \text{Total}$$

(2) Notwithstanding anything contained in Sub-rule (1), the minimum amount of pension shall not be less than half [✓] and more than initial pay scale of the teacher of the same post in service in maximum of the initial pay scale of a teacher engaged in the same post.

- 114. Period of service to be Counted:** With regard to counting of service period for the purpose of pension, it shall be counted as follows:-

- (a) With regard to teachers teaching since prior to the introduction of the National Education Plan, 2028 (1972), if such teacher has been continuously working receiving appointment as a permanent teacher in any

✓ Inserted by the Second Amendment.

approved school, his/her service period shall be counted from the date of permanent appointment even he/she had entered before the introduction of the National Education System Plan, 2028 (1972).

- (b) In case of teachers having been permanently appointed and having reentered into the School Education Service after having discontinued the service period in between, the period in which one was engaged in such post of government teacher shall also be counted into the service period.
- (c) In case of teachers having entered into the teaching service after the introduction of National Education Plan, 2028 (1972), the continuous total service period since permanent appointment shall be counted.
- (d) Notwithstanding anything contained in clauses (a), (b) and (c), no period of extraordinary leave, unpaid leave and leave or deputation without approval shall be counted in the service period.
- (e) While calculating the period of permanent service, the period of break of the service, if any, shall be deducted.
- ²(f) If the person once retired on pension is appointed to a post of teacher, the earlier period of service shall be counted if he/she so desires.

✓ **114A. Procedures Relating to counting of Service Period:**

- (1) The teacher in service who wants to have his/her period of service counted pursuant to Rule 114 shall, within one year from the date of commencement of these Rules and the

• Amended by the Second Amendment.
✓ Inserted by the Second Amendment.

teachers to have appointed ⁹after the commencement of these Rules shall, within Two year from getting the appointment time, get their service period counted from the Teachers Records Office. After the said time limit, no such service period shall be counted.

(2) If any teacher retired from service on gratuity has been reappointed to the teachers service and he/she wants to have his/her service period counted pursuant to Sub-rule (1), his/her service period shall be counted only if he/she refunds the amount of gratuity which he/she has received earlier.

(3) The teacher having his/she service period counted pursuant to Sub-rule (1) shall, if he/she has taken study leave, extraordinary leave, allowances for medical expenses and amount of insurance, submit particulars thereof to the Teachers Records Office.

✓ **114B. Service Period Determination Recommendation**

Committee: (1) If there arises any confusion with regard to counting service period of a teacher in the circumstance referred to in Clause (a) of Rule 114 there shall be a Service Period Determination Recommendation Committee in order to recommend to the Teachers Records Office having determined such service period:-

- (a) District Education Office -Convener
- (b) Representative of the District Education Office - Member
- (c) Headmaster of the concerned school - Member

⁹ Amended by the Third Amendment.

(2) Meetings and other proceedings of the Committee referred to in Sub-rule (1) shall be as determined by the Committee itself.

115. Family Pension: (1) If a teacher dies while in service or before completion of seven years of getting pension, the person nominated, if any, by the deceased teacher from amongst members of his family shall be entitled to the pension and if the person so nominated also dies or if no one is so nominated, the nearest heir of his/her family shall be entitled to the pension.

Provided that, such pension shall not be given for more than seven years and if a teacher dies before seven years of the retirement with pension, no pension shall be made available to his/her family after completion of seven years.

(2) If the widowed wife or widower husband of a teacher is entitled to family pension pursuant to Sub-rule (1) because her husband or his wife is dead before completion of seven years after getting pension, he/she shall be entitled to half of the amount of pension throughout his/her life after completion of the said period and if he/she is not entitled to such pension or after the date of death of such teacher upon expiry of seven years of getting pension.

Provided that, a teacher who received pension under this Rule shall not be entitled to receive double pension.

116. Life long Family Pension (Briti): If a teacher dies due to accident or due to injuries sustained because of the accident, the widowed wife or widower husband of the deceased teacher shall be entitled to fifty percent of the minimum amount of pension which such a teacher is entitled to throughout the life.

117. Proceedings Relating to Pension: (1) After appointment, the teacher shall submit three copies of the form in a format as provided in Schedule -18 to the school in which he/she is working.

(2) If the teacher not submitting the form pursuant to Sub-rule (1) is getting mandatory retirement because of his/her age, he/she shall submit the form as referred to in Sub-rule (1) nine month earlier before his/her retirement to the school where he/she is engaged.

(3) If any teacher dies before filling in the form pursuant to Sub-rule (1) or (2), the person nominated from amongst the family members and if such person also dies or no person is nominated, the family member of the deceased eligible to receive the pension shall, within three months from the death of the teacher, submit the form having filled in as referred to in Sub-rule (1) to concerned school.

(4) The person filling in the form in accordance with this Rule shall clearly state the district in which he/she wants to receive the authority letter of pension or family pension (*birti*).

(5) Upon receipt of forms pursuant to Sub-rules (1), (2) or (3), the chairperson of the School Management Committee shall forward the form filled in by the Headmaster and the Headmaster shall certify the forms filled in by the teachers and retain one copy of the form at the school and forward other two copies of forms to the concerned District Education Office.

(6) Upon receipt of the forms pursuant to Sub-rule (5), the District Education Office shall conduct necessary inquiry and certify the forms received and retain one copy of the

form itself and forward another copy to the Teachers Records Office.

(7) Upon receipt of the forms pursuant to Sub-rule (6), the Teachers Records Office shall check and verify it with records maintained thereat and issue authority letter of pension in the format referred to in schedule- 19 in the name of the retired teacher if it is the form referred to in Sub-rule (1) or (2) and the authority letter of family pension in the name of the claimant of the deceased teacher in the format as referred to in schedule- 20 if it is the form as referred to in Sub-rule (3).

118. Increment in Pension of Retired Teachers: The amount of pension of retired teachers shall be increased at the rate of two third of the amount increased in the initial pay scale of the teacher engaged in service and belonging to the concerned class of the teacher so retired.

119. Gratuity: (1) If any permanent teacher having completed a service period of five years or more but not being eligible to get pension or having left the School Education Service by getting approved resignation or having been dismissed from the School Education Service having been rendered disqualified for educational service in the future, shall be entitled to gratuity as follows:-

- (a) For teachers serving for a period of five to ten years, half of the salary of the last month for each year of service,
- (b) For teachers serving for a period more than ten years to fifteen years, the salary of the last one month for each year of service,
- (c) For teachers serving for a period more than fifteen years and not completing twenty

years, the salary of the last one and half month for each year of service.

(2) If a teacher dies before receiving gratuity and if he/she has nominated a person amongst the members of his/her family, the person so nominated and, if the person nominated also dies or if no person is nominated, the nearest heir of his/her family shall be entitled to the said gratuity.

120. Circumstances in which Pension or Gratuity not be

given: (1) A teacher shall not be entitled to pension or gratuity in the following circumstances:-

- (a) If appointed to a temporary post.
- (b) If dismissed from service having been rendered disqualified for educational service in future.
- (c) If it is proved that one has given false information about the academic qualification, age, name, surname, father and grandfather's name permanent address or citizenship for the purpose of getting or being continued into service.

(2) Notwithstanding anything contained in Sub-rule (1), the amount received before proving guilty shall not be refunded.

121. Pension or Gratuity to be withheld: If a teacher does not hand over charge as per these Rules, the pension or gratuity he/she is entitled to shall be withheld.

✓121A. Pension and Salary Not to Receive at the same Time:

If a person retired on pension as per these Rules is reappointed permanently to post of teacher of a community

✓ Inserted by the Second Amendment.

school, he/she shall not be entitled to pension during the period in which he/she is engaged in the service.

122. Medical Expenses: (1) Permanent teachers shall be entitled to get medical expenses on the basis of their salary amount as follows:-

- (a) Salary amount equal to twelve months for Secondary school teachers,
- (b) Salary amount equal to ten months for Lower Secondary school teachers,
- (c) Salary amount equal to twenty one months for Primary school teachers.

(2) Notwithstanding anything contained in Sub-rule (1), Primary and Lower Secondary School teachers having the initial pay scale equal to that of Secondary School Teacher shall be given medical expense equal to the existing pay scale of the Secondary teacher, and the Primary School teacher having the initial pay scale equal to that of the Lower Secondary school teacher shall receive medical expenses equal to that of the Lower Secondary teacher.

(3) If any teacher or any of his/her family members falls sick, medical expense not exceeding the amount referred to in Sub-rule (1) shall be provided as follows:-

- (a) Amount spent for medical check-up by an approved doctor and expenses for buying medicine as per prescription of the doctor.
- (b) Expenditure incurred as per bills for admitting in health care institution and for treatment.

- (c) Expenditure incurred as per bills for all kinds of surgical operations, except plastic surgery.

(4) While giving medical expenses to teachers having less than Twenty years of service, medical expenses shall be provided in the ratio of the number of years serve by them rendered upon calculating total service period as Twenty years.

(5) Teachers leaving the service in any circumstance except having been dismissed from the service being rendered disqualified for educational service in the future shall be entitled to lump sum amount of medical expenses which he/she is entitled to under these Rules if such amount is remaining to be paid either after getting some amount or not getting any amount.

(6) Except in cases of treatment carried out being admitted in any medical institution or having gone abroad under this Rule, while giving amount of medical expenses to teachers once or from time to time in one fiscal year, the period of twenty years shall be regarded as entire period of the service and only the amount of one year in proportion thereof shall be given as medical expenses.

(7) The District Education Officer shall maintain the record of the medical expenses provided to the teachers as per this Rule and copies of such record shall be forwarded to the concerned school and Teachers Records Office and to the Directorate.

(8) Teachers requesting or receiving medical expenses having produced false content shall be taken departmental actions.

123. Pension and Gratuity of the Missing Teachers: (1) In case a teacher has been missing or disappearing for a period of five years and it is not known whether he/she is living or dead, the amount of gratuity or pension shall be given to his/her family.

(2) Notwithstanding anything contained in Sub-rule (1), if the person who is entitled to pension disappears before receiving it, the full amount of pension shall be provided to his/her family for seven years. If he/she disappears before seven years of receiving the pension, such pension shall be given to his/her family member up to seven years and thereafter half of the amount of pension shall be given to the husband or wife of the concerned person throughout life.

(3) If the missing teacher reappears, the gratuity he/she is entitled to, if not already paid, or the amount of pension shall, from the date on which he/she claims, be given to him/her.

Provided that, no amount of gratuity, pension or family pension already paid shall be claimed by the person so reappeared.

124. Educational Allowances and Progeny Allowances: (1)

In case any teacher dies as a consequence of any cause referred to in Rule 116 or as a consequence of prolonged illness because of the same, an annual educational allowance shall be provided to two children in maximum of such teacher until the children attain the age of Eighteen years.

(a) Nine hundred rupees to each child of the Secondary level teacher,

- (b) Seven hundred rupees to each child of the teacher of Lower Secondary and Primary school teachers.

(2) In addition to educational allowances referred to in Sub-rule (1), progeny allowances shall be provided to two children in maximum of the teacher died because of any reason referred to in Rule 116 as per the following rate until they attain the age of eighteen years.

<u>Teacher</u>	<u>Percentage of initial salary</u>
(a) Secondary level 1 st class	8
(b) Secondary level 2 nd and 3 rd classes	10
(c) Others	12

125. Allowances (briti) Recommendation Committee: (1)

There shall be an Allowances Recommendation Committee comprising of the following members in order to make recommendation of allowances to be entitled to the family or children of a teacher who has died in the course of performing any act of the school.

- | | | |
|-----|------------------------------------|---------------|
| (a) | Chief District Officer | - Chairperson |
| (b) | Chief of District Police Office | -Member |
| (c) | Headmaster of the concerned school | -Member |
| (d) | Chief of District Health | - Member |

Office

✓(d1) One Representative of - Member
District Teachers Union

(e) District Education Officer -Member-
Secretary

(2) The committee referred to in Sub-rule (1) shall determine whether the death of the teacher was in the course of performing any work of the school and make recommendation on the allowances to the family or children of such a teacher.

126. School Teachers Record Office: (1) There shall be a School Teachers Records Office under the Ministry to make necessary provisions for pension, family pension, educational allowances, gratuity, insurance, medical expenses and so on.

(2) Functions, duties and powers of Teachers Records Office shall be as follows:-

- (a) To update the records of services of the teachers,
- (b) To make necessary arrangements concerning pension and gratuity of the teachers,
- (c) To require necessary information from concerned Directorate and District Education Officer to prepare personal details for providing pension, gratuity,

✓ Inserted by the Second Amendment.

medical expenses, and insurance amount to the teachers,

- (d) To inform the teacher concerned about his/her date of retirement six month in advance,
- (e) To approve or cause to approve annual salary report of the teachers,
- (f) To operate pension fund,
- (g) To release amount of pension, gratuity, insurance, medical expenses and other amounts,
- (h) To do other works relating to pension and gratuity,
- (i) To perform works relating to counting the period of service of the teachers,
- (j) To abide by the directives issued by the Ministry.

(3) Other functions, duties and powers of Teachers Records Office shall be as prescribed by the Ministry.

127. Insurance Provision: Government of Nepal may cause to adopt insurance of the permanent teachers. If any teacher is not insured and dies while being in service, the amount of insurance shall be provided in lump sum to the nominated person and if no person is nominated, to the nearest claimant of his/her family:-

- (a) Thirty thousand rupees for Secondary School teacher,
- (b) Twenty thousand Rupees for Lower Secondary and Primary School teachers.

⁺127A. Advisory Committee: (1) There shall be an Advisory Committee comprising of the following members for necessary help to Teacher's Records Office in relation to solving problems of teachers pension, family pension, educational allowances, progeny support, gratitude, insurance or medical treatment:-

- (a) Joint Secretary of the Ministry as -Chairperson
specified by the Ministry
- (b) Office Chief, *Kaushi Tosakhana*, -Member
- (c) Representative, (Budget and
Programme Section) Ministry of -Member
Finance
- (d) Under Secretary ([•]School Education
Section) Ministry -Member
- (e) Under Secretary (Legal Section)
-Member
- (f) Representative, Civil Servant
Record Keeping Office -Member
- (g) Office in-charge, Teacher Record -Member-
Keeping Office Secretary

(2) Teachers Records Office shall work as the Secretariat of the Advisory Committee.

(3) The procedure relating to meetings of the Advisory Committee shall be as determined by the committee itself.

⁺ Inserted by the First Amendment.
[•] Amended by the Third Amendment.

(4) The member of the Advisory Committee shall be entitled to meeting allowance for attending the meeting as approved by the Ministry of Finance.

128. Special Provisions Relating to Gratuity and Pension:

(1) Notwithstanding anything contained elsewhere in this Chapter, the teacher of fresh appointment ^eafter the date prescribed by Government of Nepal by publishing a notice in the Nepal Gazette shall not be entitled to gratuity or pension under this Chapter. Government of Nepal may set up a fund by publishing a notice in the Nepal Gazette to provide gratuity or pension to such teachers.

(2) The teacher shall have to deduct the amount as prescribed through the notice to deposit it to the Fund set-up as per Sub-rule (1) from his/her monthly salary.

(3) If the teacher appointed pursuant to Sub-rule (1) leaves the service before completing pensionable period, he/she shall be entitled to withdraw the amount deposited in his/her name as per Sub-rule (2).

Provided that, if a teacher has been dismissed from the service and Government of Nepal has deposited any amount in his/her name, such teacher shall not be entitled such amount.

129. Provision of this Chapter not to be Applicable:

Notwithstanding anything contained elsewhere in this Chapter, the provision of this Chapter shall not be applicable to the teachers of institutional schools and also those teachers appointed by Community school bearing the expenses on its own resources. Such teachers shall receive the facilities as per this Chapter from the school as prescribed by the Management Committee.

^e Amended by the Second Amendment.

Chapter-21

Provisions Relating to Retirement

130. Voluntary Retirement: The appointing official may at any time give permission to retire to any teacher desiring to retirement.

131. Mandatory Retirement: (1) Any teacher attaining the age of Sixty years shall be given retirement from the service of the school.

Explanation: For the purpose of this Rule, the age of a teacher shall be counted as follows:

- (a) The age as to be calculated from the date of birth or year referred to in his/her educational certificates submitted at the time of appointment.
- (b) If there is no such record, the date of birth or year referred to by him/her at the time of appointment.

(2) Notwithstanding anything contained in Sub-rule (1), a teacher may be given retirement from service in the following circumstances:-

- (a) If a teacher is unable to obtain permanent teaching license within the time prescribed pursuant to Sub-section (5) of Section 11E. of the Act.
- (b) If a teacher whose teaching subject is not taught in the school and who does not participation in training even he/she is given opportunity for training in other subjects or there is no situation to transfer

him/her to any school where his subject is being taught.

(3) A teacher of a community school who does not appear in school within fifteen days of the date of completion of extraordinary leave or study leave shall be given retirement from the service.

(4) Post of a teacher of a community school fallen vacant due to retirement of a teacher pursuant to Sub-rule (2) clause (b) shall *ipso facto* be cancelled.

132. Special Provision Relating to Retirement: If the Medical Board constituted by Government of Nepal recommends that any teacher of a community school is unable to continue his/her service due to physical ill-health, the Ministry may grant retirement with pension to such teacher even if his/her service period is not completed for pension by adding upto Five years more period to make up necessary service period for pension only if the addition of Five years may cover required period for pension.

Chapter-22

Code of Conduct for Teachers and Students

133. Codes of conduct to be followed by Teacher: (1)
Teachers shall abide by the following codes of conduct:

- (a) To carry out prescribed tasks at the place where he/she is assigned
- (b) To be present in school regularly in the prescribed time and sign on attendance register mentioning time of coming in and going out, and shall not be absent in school without getting prior permission for leave,

- (c) Not to influence or attempt to influence any body politically with the intention of fulfilling vested interest in connection his/her service.
- (d) Not to publish any article in his/her real or nick name or give any information, statement or speech to communication media like press or radio or television or any other media jeopardizing the harmonious relation between Government of Nepal and the people and the relation of Nepal with any foreign country,
- (e) To regard teaching and study as his/her main motto with the objective of making students good citizen,
- (f) To encourage obedience, discipline, good faith, co-operation, morality, sympathy, patience and good conduct,
- (g) Not to spread feelings of hatred against any language, religion or amongst teachers or students,
- (h) Teacher working in a community school shall not work out side the school where he/she has been appointed without taking permission from Management Committee and District Education Officer,
- (i) To work for bringing emotional unity in the country having raised national spirit through the medium of school or educational institution,

- (j) Not to hold demonstration, *Gherao*, strike, lock-up, so as to undermining the sovereignty and integrity of Nepal or disturbing public peace and security, foreign relation, public decency or resulting in contempt of court, or causing obstruction to any government authority or officer in performing his/her duties as provided by law,

(2) The Headmaster and the Management Committee shall, in case of teachers and Headmaster respectively, maintain records whether or not the codes of conduct referred to in sub-clause (1), are followed and shall send the details to the concerned District Education Office if the codes of conduct are not followed.

134. Codes of Conduct to be followed by Students: Students shall abide by the code of conduct as follows:

- (a) To be obedient to and to respect teachers,
- (b) To follow discipline both inside the school and everywhere outside,
- (c) To be always effortful for promotion of nationalism, language and culture,
- (d) To actively participate in programmes organized by the school,
- (e) To behave in polite manner with all,
- (f) To abide by other codes of conduct prescribed by the Management Committee,

Chapter-23

Provisions Relating to Punishment

135. Punishment: If there are reasonable and adequate grounds, the following departmental actions may be taken against a teacher:-

- (a) Censure,
- (b) Withholding salary increment (*grade*) for a maximum period of Five years,
- (c) Withholding of promotion for upto Two years,
- (d) Removing from service not rendering disqualified for educational service in future,
- (e) Dismissing from service rendering disqualified for educational service in future.

136. Censure: Punishment of censure may be imposed if a teacher does not follow timetable for coming to school, taking class and going out.

137. Withholding of promotion for Two or withholding of a maximum Five year salary increments (*grade*): Punishment of withholding of promotion for upto Two years or withholding of a maximum of Five years salary increments (*grade*) may be imposed on a teacher, in any of the following circumstances:

- (a) If commits in disciplinary act,
- (b) If does not follow school time table and again,
- (c) If violates codes of conduct,
- ⁺(d) If does not participate in trainings or instruction as per deputation,

⁺ Inserted by the First Amendment.

- ⁺ (e) If the Headmaster does not send the selected teacher to participate in the trainings or instruction programme.

138. Removal or Dismissal from Service: (1) A teacher shall be removed from the service in circumstances referred to in clauses (a), (b), (c) or (d) of Sub-rule (5) of Rule 16E.

(2) A teacher may be dismissed from the service having been rendered disqualified for educational service in future in the following circumstances:-

- (a) If sentenced by a court in a criminal charge involving moral turpitude,
- (b) If commits corruption.

139. Amount of Loss to School to be Recovered: If a teacher commits any act knowingly or recklessly which causes any loss to the school, the amount of loss shall be recovered from such teacher as a government due.

140. Procedures Relating to Punishment: (1) The authority to impose punishment shall, prior to passing an order of punishment, give an opportunity to the concerned teacher to defend himself/herself. While giving an opportunity to defend, the charge against him/her and punishment shall be clearly stated. In such a case, the concerned teacher shall also submit his/her defense within the prescribed time.

(2) If the teacher does not submit his/her defense pursuant to Sub-rule (1) or if the defense submitted is not found to be satisfactory, the authority to impose punishment shall require explanation again upon proposing the punishment.

141. To be Suspended: (1) If it is necessary to investigate on any matter before giving an order of punishment to any teacher, the authority to impose punishment may suspend such teacher and generally such suspension shall not exceed three months.

(2) The teacher arrested on any criminal offence involving moral turpitude and detained in custody shall be deemed to have been *ipso facto* suspended during such period of detention. The teacher suspended in such a way shall not be entitled to salary and other allowances for the time of suspension.

(3) If a teacher is reinstated to his or her post or is no longer in service, suspension of such teacher shall be deemed to have been ceased.

(4) If a teacher has been suspended pursuant to Sub-rule (1) he or she shall be entitled to half of his or her salary during the period of such suspension.

Provided that, if no charge against a teacher is proved and the teacher is acquitted, he/she shall be entitled to half of the salary having deducted another half of the salary if he/she has got, and full salary if he/she has not got half salary earlier.

142. Punishment to be Imposed: If the explanation submitted by the teacher pursuant to Section 140 is not found to be satisfactory, the authority to impose punishment shall impose punishment on such a teacher upon stating reasons thereof.

143. Authority to impose Punishment: (1) The authority to impose punishment shall be as follows:-

- (a) Headmaster to give order of admonition or withholding two-salary increment (grade) to teachers and Management Committee to give order to withhold more salary increment (grade),
- (b) District Education Officer to give admonition or withholding salary increment (grade) of Headmaster,
- (c) District Education Officer to give order to withhold promotion,
- (d) The concerned Director to remove or dismiss from the service.

☑(1a) Notwithstanding anything contained in clauses (b), (c) or (d) of Sub-rule (1), the Management Committee shall be the authority to punish the teachers and Headmaster of the school operated by community under those clauses.

(2) Headmaster or Management Committee shall inform the District Education Officer in relation to the punishment imposed as per clause (a) of Sub-rule (1).

☑(3) Information as to the punishment imposed by Headmaster or Management Committee pursuant to Sub-section (1a) shall be furnished to the District Education Officer and Teachers Record Office.

144. Procedures and Provisions of this Chapter not to be

Applicable: (1) No procedure or provision of this chapter shall be applicable with regard to imposing punishment on the following teachers:-

- (a) No procedure of this chapter need to be followed while taking actions against

☑ Inserted by the Third Amendment.
☑ Inserted by the Third Amendment.

teachers temporarily appointed to the posts approved by Government of Nepal in the community schools,

- (b) No provision of this chapter shall be applicable with regard to the teachers appointed to an institutional school or teachers appointed by a community school bearing expenses on its own.

(2) With regard to imposing punishment to teachers referred to in clause (b) of Sub-rule (1), the concerned Management Committee may provide for necessary procedures.

Chapter-24

Classification of Schools

145. Classification of Schools: (1) Schools shall be classified in four categories as follows on the basis as referred to in Schedule-21:-

- (a) "A" class school
- (b) "B" class school
- (c) "C" class school
- (d) "D" class school

⑨(2) The committee referred to in Rule 145A. shall classify schools pursuant to Sub-rule (1).

(3) If any school belonging to lower class as per the classification made pursuant to these Rules wants to be registered in higher class upon fulfilling necessary requirements, such school shall submit an application to the District Education Officer.

⑨ Amended by the Third Amendment.

(4) If an application is submitted pursuant to Sub-rule (3), the committee ^⑨as referred to in Rule 145A. shall conduct on-the-spot inspection of the school and if the school is found to be reasonable to be registered in the higher class, the committee shall include the school in the higher class as requested.

(5) If any school which has been included in a higher class at the time of classification made as per these Rules is not found to have fulfilled necessary requirements for inclusion in that class, the committee ^⑨as referred to in Rule 145A. shall include such school in the lower class on the basis of the requirements fulfilled by the school.

Provided that, the concerned school shall not be deprived of an opportunity to defend itself before being included in lower class.

(6) A school not satisfied with the decision made in connection with the classification pursuant to with this Rule may, within Thirty Five days of the decision, file a complaint at the concerned Directorate and the decision made by the Directorate shall be final in this regard.

☑ **145A.Schools Classification and Fees Monitoring**

Committee: (1) These shall be a Schools Clarification and Fees Monitoring Committee in each district as follows in order to classify schools, to give recommendation to the Ministry with regard to the fees that may be levied by schools and to monitor whether or not the schools have applied the determined fees:-

(A) In case of community schools,-

(1) District Education Officer - Convener

☑ Inserted by the Third Amendment.

- (2) Member of District Development Committee or a local intellectual nominated by District Development Committee - Member
- (3) One teacher nominated from the Teachers Union - Member
- (4) One person nominated by the District Education Officer from amongst Chairperson's of the community schools - Member
- (5) Schools inspector designated by the District Education Officer - Member Secretary

(B) In case of the institutional Schools,-

- (1) District Education Officer - Convener
- (2) Chairperson or Member of Parents Organization or in absence of such an organizational, Two persons nominated from the District Education Officer from amongst parents - Member
- (3) One Representative of the District Development Committee - Member
- (4) One Representative of the private Boarding Schools - Member

Organization

- (5) One Representative of the National private Boarding Schools Organization -Member
- (6) One educationist nominated by District Development Committee -Member
- (7) Officer looking after institutional schools at the District Education Office - Member Secretary

(2) The committee referred to in Sub-rule (1) may invite the Representative of the organizations relating to woman, dalit and indigenous peoples in its meeting relating to fees determination.

(3) The procedures relating to meeting of the committee referred to in Sub-rule (1) shall be as determined by the committee itself.

Chapter-25

Provision Relating to Fees

®146. **Fees and Deposit to be charged by Schools:** (1) Subject to the provision of Rule 147, a school may impose the following fees and deposit from students: -

- (a) Monthly tuition fee,
- (b) Annual fee for sports, extra activities laboratory, repair and maintenance, library

® Amended by the Third Amendment.

and first aid not exceeding the monthly tuition fee of two months,

✓(b1) Enrolment fee not exceeding the monthly tuition fee of class to be enrolled for the one time while enrolled at the first time,

(c) Miscellaneous fee

(1) Examination fee

(2) Computer fee

(3) Migration certificate fee

(4) Special training (Judo, Martial arts, swimming, singing dancing) fees

(5) Residence fee

(6) Transportation fee

(7) Meal fee

•(2) Notwithstanding anything contained in clauses (a), (b), (b1) and (c) of Sub-rule (1), no such a fee shall be levied from the students studying at primary level and lower secondary level of community schools and from the students studying at secondary levels of community schools as referred to in Rule 152.

(3) Institutional school may take deposit amount equal to the tuition fee for one month and such amount shall be refunded immediately if the student leaves the school.

(4) A school shall not charge any fee for more than twelve months in one academic year.

✓ Inserted by the Fourth Amendment
• Amended by the Fourth Amendment

(5) A school may levy the fee referred to in Sub-rule (1) to the students utilizing such facilities only for the time during which such facilities have been used.

147. Provisions Relating to fee: (1) Fees to be levied to students by a school shall be separate for schools conducted as community school, institutional school or educational trust.

^③(2) A school shall send through the committee referred to in Rule 145A. to the ministry the proposed fee structure to be levied to students for the forth coming fiscal year on the basis of schedule - 22 prior to two months of the date of beginning of the fiscal year.

(3) If the proposed fee structure is submitted pursuant to Sub-rule (2), the Ministry shall enquire whether or not the proposed fee structure is prepared on the basis of Schedule - 22, and if it is found otherwise, Ministry shall approve the upper limit of the fee structure with necessary amendments.

(4) Subject to the fees approved by the Ministry in accordance with Sub-rule (3), the school shall, in consultation with executive committee of the Parents Teachers Association, fix the fee structure according to the decision of Management Committee.

(5) [×]

(6) Upon determination of fees as per this Rule, school shall forward the information thereof to District Education Office.

148. To Spend for Related purpose: School shall spend the money for the purpose for which the fee is levied from students.

^③ Amended by the Third Amendment.
[×] Deleted by the Third Amendment.

149. Fee to be Paid in Time: Student shall pay fees to school in due time as prescribed by the school.

150. Fee details to be Displayed in Notice Board: Schools shall, for the information of parents and students, display the fee structure, time limit to pay fees and processes thereof in the notice board of the school.

☑150A.Central Committee on Fees Management and

Monitoring: (1) In order to formulate policy with regard to management of fees and scholarship of the institutional schools, to improve in the academic standard of such schools and to monitor the determined fees and to give recommendations and suggestions to the Ministry, there shall be a Central Committee on Fees Management and Monitoring:

- | | | |
|-----|---|------------|
| (a) | Director General | - Convener |
| (b) | Director at the Department to look after Institutional schools | - Member |
| (c) | Director at the Department who looks after Planning and Monitoring Division | - Member |
| (d) | One person nominated by the Department from amongst Director | - Member |
| (e) | Under secretary at school Education Section of the Ministry | - Member |

☑ Inserted by the Third Amendment.

- (f) Under secretary at Legal Consultation Section of the Ministry - Member
- (g) Chairperson of representative of Parents Association, Nepal -Member
- (h) Chairperson of representative of National Parents Association, -Member
- (i) One Representative of the private Boarding Schools Organization - Member
- (j) One Representative of the National private Boarding Schools Organization -Member
- (k) One person nominated by the Department from amongst teachers of the institutional schools operated as a trust - Member
- (l) One person nominated by the Department from amongst District Education Officers - Member
- (m) Two person nominated by the Department from amongst educationalist - Member

- (n) Deputy Director of the - Member
Department designated by Secretary
the Director General

(2) The tenure of office of the members nominated pursuant to Sub-rule (1) shall be of Two years.

(3) The procedures of the meeting of the committees referred to in Sub-rule (1) shall be as determined of the committee itself.

Chapter-26

Provisions Relating to Scholarship and Free Education

151. Provisions for Scholarship to be Made: (1) The school shall make available talency scholarship by exempting cent percent and fifty percent of fee respectively to the talent students holding first and second position in each class.

(2) Institutional schools shall make available scholarship at least five percent of the total number of students to students belonging to poor, disabled, female, suppressed and ethnic classes.

(3) Prior to providing scholarship pursuant to Sub-rule (1), the school shall publish notice at the school for submitting application for such scholarship.

152. Free Education to be Provided: (1) Community school shall make provisions for providing free education to the students living below the poverty line, ethnic and *dalit* community students and female (girl) students.

(2) For the purpose of providing free education in accordance with Sub-rule (1), the school shall publish notice

at the school for submitting application for such free education.

Explanation: For the purpose of these Rules "students living below the poverty line" means *dalit* students, ethnic communities, women and others who have been recommended by the Village Education Committee or the concerned Ward Office of Municipality stating that such students are as follows:-

- (a) Since no member of the family of the student has a job, business, profession or means of livelihood and unable to pay school fees for lack of minimum income required for living.
- (b) Having arable land less than five, ten and fifteen percent of the maximum ceiling of land which one family is entitled to own as in the capacity of a landowner in *Tarai* and Valley, Hilly areas and Himalayan areas respectively under the Lands Act, 2021 (1964).
- (c) Having income falling into the below poverty line as or below to it defined by National Planning Commission.

Chapter-27

Provisions Relating to School Emblem,

Naming and Other Provisions

- 153. School's Emblem:** Emblem of a school shall be a hexagon. If any school wants to use separate emblem, such emblem may be encrypted in the middle of the hexagon.

154. Naming of School: (1) School may be named after names of renowned persons having outstanding contribution to the society and the nation itself or historical persons, Gods and Goddess, place of pilgrimage or natural heritage reflecting Nepalese identity.

(2) Person willing to name any school to be newly established after his/her name, the school may be named after the name of such person if such person makes contribution of the following amount or building or land to the school:-

- (a) For secondary school, one million rupees or building or land equivalent to this amount,
- (b) For lower secondary school, seven hundred thousand rupees or building or land equivalent to this amount,
- (c) For a primary school, five hundred thousand rupees or building or land equivalent to that amount.

(3) A person willing to name any school already named having associated his/her name shall contribute the school the amount or building or land pursuant to Sub-rule (2).

(4) If more than one member of the same or separate family donate cash amount or building or land to a school pursuant to Sub-rule (2), the school may be named after the names of such persons not exceeding two names as decided by such contributors and names of other contributors may be encrypted in the school in a conspicuous manner.

(5) Notwithstanding anything contained in Sub-rule (2) or (3), the school already named after any person, monument or any historical places or things shall not be changed or

renamed even if any person donated cash amount or building or land as referred to in this Rule.

Provided that, if any person makes donation for building or additional class room or library building or hostel, such room or building or hostel may be named after the name of such donor.

(6) The Ministry shall name a school pursuant to this Rule on the recommendation of the School Management Committee, the Village Development Committee or the Municipality and the District Education Committee.

- 155. National Anthem to be sung:** National Anthem shall be sung at the beginning of any function organized in the school.
- 156. Flag to be hoisted:** National flag shall be hoisted at the opening of each celebration to be organized in the school.
- 157. Students Uniform:** School may prescribe a uniform to the students from such cloth which is less expensive, simple and reflecting nationalism and suitable to the climate. No school shall compel students to buy uniform from the school itself.

Chapter-28

Provisions for Protection of School's Property

- 158. Protection of School Property:** (1) The main responsibility of protection of a school's property shall lie on the Management Committee and Headmaster.

(2) In order to manage and protect the property belonging to a community school, there shall be a School Property Protection Committee in the concerned district consisting of the following members:-

- (a) Chief District Officer - Chairperson
- (b) Chief of the Land Revenue Office - Member
- (c) A person nominated by District Education Officer from amongst donors to the School - Member
- (d) One person nominated by District Development Committee from among the members of the District Development Committee - Member
- (e) District Education Officer - Member-Secretary

(3) The tenure of office of the members nominated pursuant to Sub-rule (2) shall be Two years.

(3) Procedures relating to meeting of the Committee pursuant to Sub-rule (2) shall be as determined by the committee itself.

159. Functions, Duties and Powers of the School Property

Protection Committee: Function, duties and powers of the School Property Protection Committee shall be as follows:-

- (a) To arrange for registration of the unregistered land acquired in the name of the school,
- (b) To give direction to Management Committee to make utilization of the school property for the maximum benefit of the school,
- (c) To make provisions to collect the income from the land registered in the name of the school,

- (d) To make provisions to recover the loss of school's property from those causing such loss,
- (e) To restrict from selling of land or other property registered in the name of school except for the purpose of development of school,
- (f) To co-operate District Education Officer and Headmaster for protecting the lands of school.

160. Land in Name of School not to be sold or mortgaged:

No land registered in the name of school shall be sold or mortgaged.

(2) Notwithstanding anything contained in Sub-rule (1), the land registered in the name of a school may be sold or mortgaged in the following circumstances:-

- (a) A community school may sell up to Twenty Five percent of the school's land by way of auction for the purpose of development of physical infrastructure with the approval of the Ministry on the recommendation of the Management Committee and the committee referred to in Rule 158;
- (b) An institutional school may, having taken approval of the company's directors or trustees of educational trust and on the recommendation of the School Management Committee mortgage the school's land in any bank or financial company or sell up to Fifty percent of the land by way of auction for the purpose of repaying any loan taken from any bank or financial company in the name of the school, or for the purpose of

development of physical infrastructure of the school.

(3) If more land than referred to in Sub-rule (2) needs to be sold for the development of physical infra structure of the school, company or educational trust may sell having taken approval of the Ministry on the recommendation of the Management Committee and directors of the company or the trustees of the concerned educational trust.

161. No Exchange of Land of School: (1) Land registered in the name of school shall not be exchanged.

•(2) Notwithstanding anything contained in Sub-rule (1), if any Community School needs to exchange the land of the school compound or play ground with other adjoining land, recommendation of the Property Protection Committee, the Management Committee and District Education Office shall be obtained and if it is of an institutional school, it shall need the recommendation of Trustees or Company Directors, Management Committee and District Education Office and may exchange the land with the approval of the Ministry.

162. Property to be Kept in the Name of School: (1) The school being conducted as community school and as an educational trust shall register the immovable property of the school in the name of school itself.

(2) Institutional schools being conducted as a company shall register the school's immovable property in the name of the company.

163. Rebate May be Granted: If it is proved that any loss is incurred to property of a community school because of natural disaster or situation beyond control such as draught

• Amended by the First Amendment.

or degradation, a rebate up to five thousands rupees may be granted by the Management Committee on the recommendation of Headmaster, up to ten-thousands by District Education Officer on the recommendation of Management Committee, upto Twenty thousands rupees by Director, upto Twenty-Five thousands rupees by secretary of the Ministry. If more than this amount is to be rebated, the Ministry may grant it having taken approval of the Ministry of Finance.

Chapter-29

Grants to be given to Schools and Other Provisions

164. Grants to be given to Schools: (1) The Ministry shall send lump sum aid amount to be given to a community school on behalf of Government of Nepal to the District Education Fund.

(2) The District Education Committee shall, having studied the budget received from school as well, allocate grants for schools on the following bases:-

- (a) Number of students in school,
- (b) Number of Teachers in school,
- (c) Results of Examination of school,
- (d) Financial condition of school.

(3) The amount allocated as per Sub-rule (1) shall be distributed by District Education Officer.

165. To be spent for Related Works: School shall spend the amount received only for the purpose for which it is released.

166. Amount to be managed from local Resource: (1) School shall make provisions of financial amount for school building, furniture and other materials from local resources.

(2) If the amount referred to in Sub-rule (1) is not sufficient for construction of school building, Government of Nepal may grant necessary amount to the community school for encouraging local people's cooperation.

167. Grant May be Decreased: (1) If examination results of the last two years including that of the current year are found as follows, the District Education Officer may decrease the amount of grant allocated for a school at the rate as follows:-

•(a) In case the passing percentage at any level is below ten percent, thirty percent of the annual grant of the concerned level,

•(b) In case the passing percentage at any level is below twenty percent, twenty percent of the annual grant of the concerned level.

(2) Notwithstanding anything contained in Sub-rule (1), in case of schools of remote areas, only half of this amount shall be decreased.

Chapter-30

School Budget, Income and Expenditure Accounts and Other Provisions

168. Budget to be Prepared: Headmaster shall prepare budget estimates, get it approved by the Management Committee and send one copy thereof to District Education Office within the prescribed time each year.

• Amended by the First Amendment.

169. Operation of School: (1) School shall spend the fund of school according to the decision of the Management Committee.

(2) School fund shall be operated with joint signatures of Headmaster and Chairperson of the Management Committee or ^⑨member of the Management Committee designated by such Committee.

(3) Notwithstanding anything contained in Sub-rule (2), funds of secondary school and lower secondary school shall be operated with joint signatures of Headmaster and accountant or any teacher working as accountant or employee.

(4) Responsibility for keeping accounts of the school fund shall lie on the Headmaster and the person working as an accountant.

(5) The amount of school fund may be deposited to any nearest bank by opening an account for operating the school conveniently.

(6) All expenses of the school shall be borne from the amount collected in the school fund.

170. Accounts of Income and Expenditure of School: (1) All types of school shall maintain accounts of income and expenditure in a format as provided in Schedule-23.

(2) Duty of maintaining accounts of income and expenditure including bills, receipts and other necessary documents shall be of the authority authorized to make expense from the fund of the school.

^⑨ Amended by the Third Amendment.

(3) It shall be the responsibility of the Headmaster to maintain or cause to maintain documents having them authenticated pursuant to Sub-rule (2).

(4) While maintaining account of income and expenditure pursuant to Sub-rule (1), details description of purchase and sale of goods and cash kind and liability of school etc. shall be clearly stated so that the real condition of the functioning of the school may be seen.

(5) It shall be the responsibility of the Headmaster to maintain or cause to maintain school's assets such as cash, goods and other property safe from being haphazardly expended, lost or wasted and to keep account or records of such items.

(6) The Headmaster shall forward the report of income and expenditure of the school to District Education Office within the prescribed time either monthly or tri-monthly.

171. To cause auditing: (1) Headmaster shall cause auditing of accounts of income and expenditure of the school each year by the auditor prescribed by District Education Office.

(2) The Headmaster shall provide books and accounts of income and expenditure of the school to the auditor as and when asked in connection with auditing and shall give clear answer to the queries raised by the auditor to the stakeholders.

(3) Employee deputed by the Directorate or District Education office may examine books and accounts of income and expenditure of the school at any time. While examining in such a way, it shall be the duty of Headmaster to show the details required by the employee so deputed.

☑ **171A. Social Auditing of Activities of school:** There shall be a Social Auditing Committee as follows in order to evaluate each year as to whether activities of communities schools have been conducted in accordance with the Act and these Rules:

- (a) Chairperson of the parents Teachers Association - Chairperson
- (b) Two person including one women from amongst the guardians of the students studying in the school designated by the Parents Teachers Association - Member
- (c) Chairperson of the ward in which the school located - Member
- (d) One intellectual designated by the Teachers Parents Association - Member
- (e) One school teacher designated by the Headmaster - Member-Secretary

172. Report to be Submitted: Upon completion of a school's auditing, the auditor shall prepare a report thereof having stated the following matters and forward one copy each of it to the Management of Committee, District Education Committee and the Directorate:

- (a) Whether or not the questions raised or remarks made were promptly responded to;
- (b) Whether or not the accounts of income and expenditure submitted was maintained as per rules,

☑ Inserted by the First Amendment.

- (c) Whether or not accounts of income and expenditure are maintained as per law,
- (d) Whether or not the balance sheet is exactly prepared as per the accounts of income and expenditure of the school,
- (e) Whether or not transaction of the school is satisfactory,
- (f) Other matters that the auditor deems necessary to include in the report.

173. **Handover takeover:** (1) While the teacher who was a responsibility to maintain records of cash or kind of the school leaves the school because of transfer or other reasons, he/she shall handover to the school the cash or kind which are under his/her responsibility normally within Fifteen days.

(2) If the teacher does not handover pursuant to Sub-rule (1), the cash or kind shall be recovered or reimbursed having withheld the salary he/she is entitled to.

174. **Exemption in Registration Fees:** Government of Nepal may grant partial exemption in registration fees while registering deeds in the name of the school which is being operated in the form of company on the basis prescribed by the Ministry.

175. **Exemption and Facilities to be Provided to School:** Government of Nepal may exempt custom duties in part or full to the community school and the institutional school operated as educational trust while they import educational materials from foreign countries.

Chapter-31

Operation of District Education Fund **and Other Provisions**

176. Grants to be Demanded: District Education Office shall send demand of grants amount to be given to schools in the forthcoming financial year to the Ministry and Department by the last day of the month of *Magha* (about Mid-February) having prepared separate particulars for primary, lower secondary and secondary levels as prescribed by the Ministry.

177. Operation of District Education Fund and Other Provisions: (1) District Education Committee shall send the grant amount received from Government of Nepal to the school fund quarterly.

(2) District Education Committee shall spend the amount only for the work for which it has been released by Government of Nepal.

(3) Except for amount received from Government of Nepal as grant, other amount collected in the District Education Fund may be spent as per the decision of District Education Committee.

(4) District Education Fund shall be operated by joint signatures of District Education Officer and Account Officer or accountant of the District Education Office.

(5) It shall be the duty of the District Education Officer and employee engaged in the functions of accounts to maintain updated accounts and cause auditing of the amount collected at the District Education Fund.

178. Accounts of Income and Expenditure of District

Education Fund: (1) Account of District Education Fund shall be maintained in a format as prescribed by the law.

(2) District Education Office shall forward the statement of monthly expenses to the Department and Office of the Controller of Funds and Accounts.

179. Departmental Action to be Taken: The officials appointing more teachers than posts of teachers approved by the Ministry, releasing salary to such teachers, demanding more amount than required and the official releasing such amount shall be taken action as per law, and the amount so released shall be recovered from the concerned official.

Chapter-32

Provisions Relating to Village Education

Development Fund

180. Amount to be Deposited to Village Education

Development Fund: (1) An institutional school shall, within one month from the completion of each year, deposit one and half percent of its gross annual income accrued in the last academic year to Village Education Development Fund.

Explanation: For the purpose of this Rule, "Gross annual income" means the income accrued by the school having collected as the fees from the students in a year other than fees (amount) for transportation and foods.

(2) For the purpose of depositing the amount referred to in Sub-rule (1), bank account shall be opened in any bank located in District headquarters.

(3) District Education Officer shall transfer the fund collected in the bank pursuant to Sub-rule (2) to Village Education Fund.

(4) The school shall, upon having deposited the amount as per Sub-rule (1), immediately send the evidence thereof to the concerned District Education Office.

181. Functions, Duties and Powers of Management

Committee: Function, duties and powers of Management Committee shall be as follows:

- (a) To provide financial assistance to schools which are unable to develop physical infrastructure from local resources,
- (b) To carryout necessary works to promote educational quality in school,
- (c) To refer to in writing to the concerned body for taking action against the school which has misused the amount provided from the Village Education Development Fund.
- (d) To monitor or cause to monitor whether or not the school paid the amount to be deposited to the Village Education Development Fund, and to refer to in writing to concerned body to take action against the school not paying the amount,
- (e) To collect necessary resources for the development of village education; and
- (f) To submit report of the works carried out by the Committee to for Government of Nepal each year.

182. Auditing: The Village Education Development Fund shall be audited by the Department of the Auditor General.

183. Procedures Relating to Meeting of Management

Committee: (1) Meeting of Management Committee shall be held at least thrice in a year.

(2) The member secretary of the Management Committee shall call the meeting of the Management Committee with approval of the Chairperson of the committee.

(3) If more than fifty percent of the members of the Management Committee are present, it shall be deemed to have constituted the quorum for meeting.

(4) Meeting of the Management Committee shall be presided over by the Chairperson of the Committee, and in his/her absence any member selected by members from amongst themselves shall preside over the meeting.

(5) Majority opinion in the meeting of the Management Committee shall be valid (decisive), and in the case of tie of votes, the person presiding over the meeting may exercise casting vote.

(6) Member secretary of the Committee shall keep the decisions of the Management Committee having them authenticated.

(7) Other procedures relating to meetings of the Management Committee shall be as determined by the Committee itself.

(8) The Management Committee members may be provided with meeting allowance as prescribed by Ministry for taking part in meetings.

184. Secretariats of the Management Committee: Secretariat of the Management Committee shall be located in the School.

Chapter-33

Miscellaneous

185. Authority Prescribed: For the purpose of the following sections of the Act, the authorities have been prescribed as follows:

- (a) For the purpose of Sections 15 and 16B. of the Act, the concerned Director in connection with secondary and lower secondary school and District Education officer in connection of other schools.
- (b) For the purpose of clause (e) of sub-section (2) of Section 17 of the Act, the concerned Director with respect to secondary and lower secondary Schools; and with respect to other schools and for the purpose of [•]Clauses (b) and (c) of the same Sub-section and Sub-section (6) and (7) of Section 16D., the concerned District Education Officer.
- (c) For the purpose of Section 17A., District Education Officer.

⁺185A. Provisions of Prizes May be Made: In case any community school causes to pass at least eighty five percent of students having caused to appear at least fifty students in the Secondary School Passing Examination, provision of prizes may be made for such school and the best teacher of that school.

186. Operation of Mobile Schools: In case the Management Committee requests that any school cannot be operated in difficult Himalayan region because of weather or similar other reasons, Government of Nepal may, on the

[•] Amended by the First Amendment.

⁺ Inserted by the First Amendment.

recommendation of the concerned District Education Officer, grant approval to operate mobile school for certain time at any convenient place without causing any additional financial burden.

187. Provisions Relating to Teachers Union: (1) Teachers shall obtain recommendation from the Ministry before registering statute of the Teachers Union as per the prevailing laws.

(2) Provisions relating to election of teachers union shall be as stated in the statute of the Teachers Union.

188. Annual Details to be submitted: School shall submit the following details to the District Education Office within one month of the completion of each academic year:

- (a) Class wise details of students,
- (b) Class wise details of students passed,
- (c) Class wise details of scholarship provided,
- (d) Details of total income and expenditure made by the school.

189. Formation of Certificate Investigation Committee: (1) The Ministry may, if it deems necessary to investigate academic certificates and other testimonials of teachers, form a Certificate Investigation Committee at district level comprising of the members as follows:-

- (a) Chief District Officer -Chairperson
- (b) District Attorney -Member
- (c) District Education Officer -Member-Secretary

❶(2) If any discrepancy is found in certificate of academic qualification including other certificates, the

❶ Amended by the First Amendment.

Certificate Investigation Committee shall forward such certificates along with its opinion to the concerned body for taking action as per the prevailing law and furnish information thereof to the Ministry.

(3) The certificate Investigation Committee may engage any employee of any office in the district in its works having obtained approval of the concerned office.

(4) District Education Office shall work as the secretariat of the Certificate Investigation Committee.

(5) Procedures of meetings of the Certificate Investigation Committee meeting shall be as specified by the committee itself.

(6) Members of the Certificate Investigation Committee shall be entitled to meeting allowance for taking part in the meetings.

190. Building of Community School not to be used: No institutional school shall operate school having used the building of a community school.

190A. ^{*}.....

191. Powers may be delegated: The Ministry may delegate some of its powers conferred by these Rules to anybody or authority as required.

192. Guidelines may be Formulated: The Ministry may formulate guidelines subject to the Act and these Rules on the following matters and implement it:

- (a) Relating to operation of non-formal education,
- (b) Relating to operation of distance education,

^{*} Inserted by the First Amendment and Repealed by the Third Amendment.

- (c) Relating to operation of special education,
- (d) Relating to operation of Secondary Education Examination,
- (e) Relating to other matters concerned with secondary education,
- (f) Relating to publishing reference books and reading materials,
- (g) Relating to protection and utilization of school property.

193. **Procedures of Financial Act and Rules to be Followed:**

Notwithstanding anything contained elsewhere in these Rules, the school shall, while doing anything related to the financial liabilities on Government of Nepal, follow the process of prevailing financial Act and Rules of Government of Nepal.

194. **Alter in Schedule:** The Ministry may amend or alter the schedules by publishing a notice in the Nepal Gazette as may be necessary.

195. **Repeal and Saving:** (1) Education Rules, 2049 have been repealed.

(2) The acts done as per the Education Rules, 2049 shall be deemed to have been done under these Rules.

Schedule-1

(Related to Sub-rule (1) of Rule 3)

Application for Permission to establish school

To

The District Education Officer,

District Education Office

Subject: Permission for Establishing of school.

Sir,

I hereby submit this application for permission to establish a school of Level from the academic session upon stating the following details.

A. Of the proposed school :

1. Name:

2. Address V.D.C./Municipality Ward No. Village/Street

Phone no. Fax No.

3. Type of School:

1. Community

2. Institutional

a. Company

b. Educational Trust:

4. Level for which permission is sought and Class to be operated:-

5. Level and Class sought to be operated in the future:

B. Physical Infrastructures for the Proposed School

1. Of the building: -

a) Number: b) Muddy/pucca/semi-pucca

c) Ownership Type Self/Rented/Public

2. Description of the rooms:

Number of rooms	Length	Breadth	Height	Condition of doors and windows	Condition of Light and Electricity	Utility	Remarks

3. Number of Furniture 1) Desks 2) Benches 3) Tables 4) Drawers 5) Chairs 6) Others

4. Condition of playground and land: (in *Ropani/Bigha*)

5. Number of toilets 1) Used by boys (Gents) 2) Used by girls (ladies)

6. Condition of drinking water

7. Condition of library and Number of books:

8. Laboratory: Materials:

9. Description of vehicles:

10. Description of teaching materials:

C. Number of students (proposed)

Classes										
Numbers										

D. Number of Teachers (proposed)

E. Financial Description (proposed)

1. Fixed assets

2. Current assets

3. Annual income

4. Sources of income

All the aforementioned details are true and correct, if found false, I shall be liable as per laws.

Of the

Applicant:-

Signature:

Name:

Address:

Date:

Documents to be enclosed:

1. Copy of the statute of the educational trust or the Memorandum and Articles of Association of the company.
2. In case of rented land and building, contract paper of rent with the owner/s for at least five years.
3. Educational map of the proposed school area.
4. Recommendations of the Village Education Committee or Municipality concerned.

•Schedule-2

(Related to Sub-rule (2) of Rule 3 and Sub-rule (1) of Rule 67)

Application for Permission of establishing of Child Care Centre /Pre-primary School / Class operation

To

..... Municipality/ Village Development Committee

Subject: Permission for establishing of Child Care Centre
/Pre-primary School /Class operation

I, hereby, submit this application with a desire to establish a Child Care Centre /Pre-primary School /Class operation as per the decision of Parents or Community/ or School Management Committee of dated from the academic year alongwith the following documents and details:-

A. Of the Proposed Child Care Centre /Pre-primary School /Class operation:

1. Name:
2. Address: V.D.C./Municipality
Ward no. Village/Street
Phone No.
3. Number of Student to be studied:

B. Of the taking Responsibility or Affiliation providing school:

1. Name:
2. Address:
3. Phone No.

C. Physical infrastructure of the propsed Child Care Centre /Pre-primary School:

1. Building:

• Amended as per the Notice of 2061.7.2 of Nepal Gazettee.

- i. Room:
 - ii. Muddy (*Kachhi*) / *Pucca*
 - iii. Built by what
 - iv. Rented/own/ public
2. Details of Furniture:
 - i.
 - ii.
 - iii.
 - iv.
3. Playground Area:
 - i. Self
 - ii. Rent/ Public
 - iii. Other
4. Condition of Toilets:
 - i. Number
 - ii. Muddy (*Kachhi*) / *Pucca*
 - iii. Arrangement of water or not
5. Condition of Drinking Water:
 - i. By Carrying
 - ii. Received from Tab
 - iii. Enough or not
6. What are the Reading Materials
 - i.
 - ii.
 - iii.
 - iv.

7. Financial Details

- i. Immovable Assets
- ii. Movable Assets
- iii. Others

8. How the income source shall be managed:

9. Other details, if any:

All the aforementioned details are correct and true if found false, I shall be liable as per laws.

Applicant :

Seal of the Institution

Signature:

Name:

Address:

Date:

Enclosed Document:

- 1. Documentary Evidence and Details relating to Playground and Building.
- 2. Copy of the Institution Registration Certificate and Renewal as per law and Audit Report.
- 3. Minute of the mutual assistance group if application is submitted on behalf of mutual assistance group.
- 4. Recommendation of the concerned School if School is to be operated with an affiliation of a School.

•Schedule-3

(Related to Rule 4)

Infrastructures for establishing a school

- A. Normal height of classrooms must be Nine feet and safe from rain and Sun.
- B. Class wise per student area shall be not less than 0.75 square meters in case of pre-primary and primary schools and not less than 1 square meter in case of lower secondary and secondary schools.
- C. Classrooms shall be hygienically clean with good flow of air and light.
- D. Provision of furniture according to the number of students in each classroom.
- E. Provision of sufficient Clean Drinking water.
- F. Provisions of separate toilets for boys and girls except for pre-primary schools and One additional compartment for each additional Fifty students.
- G. Provisions of library with the availability of curriculum, textbooks and at the rate of Teacher Guidelines two books for each student.
- H. Teaching materials like Blackboard, Map, Globe, and Mathematical instruments as per requirement.
- I. A spacious school compound in which all the students could stand at a time.
- J. Provisions of sports materials and playground enough space for outdoor activities for the Pre-primary School and at least a ground for playing Volleyball for other school.
- K. Provision of Science equipment as per curriculum.
- L. Generally there shall be, [☑]minimum Twenty Two, maximum Forty Four and in average Thirty Three students in each section of an Institutional School and following number of students in the Community School:-

• Amended as per the Notice of 2061.7.2 of Nepal Gazettee.

Valley/Terai region	- 50 Students
Hilly region	- 45 Students
Himalayan region	- 40 Students

M. Minimum number of teachers required for the Community School:

Secondary Level	- 5 Teachers
Lower Secondary Level	- 4 Teachers
Primary Level (class 1-3)	- 3 Teachers
Primary Level (class 1-5)	- 5 Teachers
Pre-primary Level	- 2 Teachers

Provided that, the ratio of Class Teachers in the Institutional School shall be 1:1.4.

- N. Permanent source of income of the school
- O. Provisions of first aid to be made in the school.
- P. Boarders house for the boarding schools.
- Q. School premises to be surrounded by compound wall.
- R. House rent agreement of at least for Five years in case a school is to be operated in a of rented building.

☑ Inserted by the Third Amendment.

Schedule-4

(Related to Sub-rule 1 & 3 of Rule 5)

Permission for operation of School

To

.....

.....

As per your application dated for establishing a school, you are permitted to establish and operate primary/lower secondary/secondary level school up to class from academic year as your school fulfils the infrastructures as per the Rule 4 of Education Rules, 2059.

Office Seal

Of the Officer Issuing the Permission:

Signature:

Name:

Designation:

Date:

•Schedule-5

(Related to Sub-rule (4) of Rule 5 and Sub-rule (2) of Rule 67)

Permission given for establishing of Child Care Centre

/Pre-primary School / Class operation

..... Municipality/ Village Development Committee

.....

To,

.....

As per an application submitted by you/school/institution for operating child care centre /pre-primary school/class to this..... Municipality/Village Development Committee, this permission is granted as per the decision of this Committee/ Office dated to establish and operate the child care centre /pre-primary school/class from as your school fulfils the infrastructure as per the Education Rules, 2059 and Preliminary Child Development Programme Operation Directives, 2061 and this is located within the area of this Municipality/Village Development Committee.

Office Seal

Of the Officer Issuing the
Permission:

Signature:

Name:

Designation:

Date:

C:C

District Education Office,

..... District

..... School (If affiliation is granted)

•

Amended as per the Notice of 2061.7.2 of Nepal Gazettee.

Schedule-6

(Related to Sub-rule (1) of Rule 7)

Application for the approval of school

To

.....
.....

Subject: About approval of school

I hereby apply for approval of this school, established pursuant to the permission given by the decision of District Education Office,/ Directorate dated by including the following details:

A. School

1. Name:
2. Address: V.D.C./Municipality Ward No.
Village/Street
Phone no. Fax no.
3. Permitted Level and Date of Permission:

Pre-primary	Date :
Primary	Date :
Lower Secondary	Date :
Secondary	Date :

B. Physical Condition of School:

1. Building
 1. Number

2. Muddy/*pucca*/Semi-*pucca*

3. Own/Rented/Public

2. Description of rooms:

3. Number of furniture:

1. Desks

2. Benches

3. Tables

4. Cupboards

5. Chairs

6. Others

4. Condition of Playground and Land (In *Ropani*/*Bigha*)

5. Number of Toilets: Male/Female

6. Condition of Drinking water

7. Condition of Library

8. Condition of Laboratory

9. Description of vehicles

10. Description of teaching materials

C. Number of students (Class wise)

D. Number of teachers:

E. Financial Condition:

1. Immovable Property

2. Movable Property

3. Annual Income

4. Sources of Income

All the aforementioned details are true and correct, if found false, I shall be liable as per laws.

School Seal

Of the Applicant -

Signature:

Name:

Address:

Date:

Schedule-7

(Related to Sub-rules (3) and (4) of Rule 7)

Relating to approval of School

To

..... School

.....

Upon taking action on the application submitted by that school on with regard to approval of school, the approval has been granted to provide education * from Class to Class as per the terms and conditions referred to in Rule 6 of the Education Rules, 2059 are found to have been followed.

Office Seal

Of the Officer Issuing the
Approval:

Signature:

Name:

Designation:

Date:

C:C:

Regional Education Directorate,

.....

District Education Office,

.....

* Amended as per the Notice of 2061.7.2 of Nepal Gazettee.

Schedule-8

(Related to Sub-rule(5) of Rule 7)

Application for approval of Pre-primary School

To

..... Municipality/ Village Development Committee

.....

I, hereby, apply for the approval of pre-primary school established as per the permission of this Village Development Committee/Municipality dated having stated the following details:

A. School

1. Name:
2. Address: V.D.C./Municipality Ward No.
Village/Street
Phone no. Fax no.
3. Type:

B. Condition of Physical infrastructure:

1. Building
 1. Number
 2. Muddy/*Pucca*/semi-*Pucca*
 3. Own/Rented/Public
2. Number of rooms:
 1. Class Rooms:
 2. Office Rooms:
 3. Library:
 4. Other rooms:
3. Number of furniture:
 1. Desks: 2. Benches: 3. Tables:
 4. Cupboards:

5. Chairs: 6. Others:

4. Condition of Playground and Land (In *Ropani/Bigha*)
5. Condition of Toilets:
6. Condition of Drinking water

C. Number of Students

D. Number of Teachers:

E. Financial Description:

1. Immovable Property
2. Movable Property
3. Annual Income
4. Sources of Income

All aforementioned details are true and correct, if anything found to be false, I shall be liable as per laws.

School Seal

Of the Applicant -

Signature:

Name:

Address:

Date:

Schedule-9

(Related to Sub-rule (6) of Rule 7)

Relating to approval of Pre-primary School

To

.....

.....

While taking actions upon the application submitted by that school on with regard to approval of the school, the approval has been granted as the terms and conditions referred to in Rule 6 of the Education Regulation, 2059 are found to have been fulfilled.

Office Seal

Of the Officer Issuing the Permission:

Signature:

Name:

Designation:

V.D.C./Municipality:

Date:

Schedule-10

(Related to Sub-rule (1) of Rule 8)

Application for the approval of school

To

The Director General

Department of Education

.....

Through: District Education Officer,

District Education Office,

.....

Subject: About approval of school.

Sir/Madam,

As this school has been running as an institutionalized schools since B.S., now I wish to operate this school as Company/Private/Educational Trust and I hereby apply for approval of the same upon enclosing following details.

A. School

1. Name:

2. Address: Village Development Committee /Municipality
..... Ward No. Village/Street..... Phone no.
..... Fax no.

Email..... Website.....

3. Level and Date of Permission /Approval Acquired:

Pre-primary Date :

Primary Date :

Lower Secondary Date :

Secondary

Date :

- | | | |
|----|--|--------------------|
| 4. | Founder at the time of Permission /Approval
Founder | Current |
| | i. | i. |
| | ii. | ii. |
| | iii. | iii. |
| | iv. | iv. |
| 5. | Number of Teachers.....
..... | Number of Students |

B. Financial Description:

1. Immovable Property
2. Movable Property
3. Annual Income
4. Sources of Income
 - i.
 - ii.
 - iii.
 - iv.

All aforementioned details are true and correct. No property of the School has been transferred or attempted to be transferred to a private property against the prevailing Act and Rules. I shall be liable as per laws, If found to be false.

Documents to be submitted

1. Documents of permission or approval relating to operation of school.
2. Memorandum of Association and Articles of association of the company.
3. The description of the assets used by the School and ownership:

- i.
 - ii.
 - iii.
4. Statute of the educational trust.
 5. Details of class wise students and fee structure.
 6. Details of Employee Teachers, appointment letter and Terms of Condition.

Founder

School Seal

Principal

Signature:

Name:

Address:

Address:

Date:

Date:

(If more than One founder Insert the Name then Sign)

•Schedule-11

(Related to Sub-rule (2) of Rule 8)

Relating to approval of School

To

..... School

.....

While taking actions on your application dated for running the school under a Company/Public/Private Educational Trust, this approval has been granted to operate the school under the Company/Public/Private Educational Trust.

Office Seal

Of the Officer Granting the
Approval:

Signature:

Name:

Designation:

Date:

☑Schedule-11a

(Related to Sub-rule (1) of Rule22A)

Application for Taking Management of a Community School

To

The District Education Office/ Regional Education Directorate

.....

Subject- Taking Management of a Community School

This application is hereby made along with the following details for taking management and operation of the following community school.

1. Name of the Community School
2. Address:
..... Village Development Committee /Municipality
Ward No. Village/Street Phone no.
3. Approved Level of the School: Primary/Lower Secondary/Secondary
4. Physical Condition of the School:
 - (a) Number of class rooms:
 - (b) Number of Furniture:
 - (c) Number of Toilets
 - (d) Number of school buildings
 - (e) Structure of buildings: Muddy/semi-concreted /Concreted
 - (f) Other matters

☑ Inserted by the Third Amendment.

5 Class wise Description

	Classes									
	1	2	3	4	5	6	7	8	9	10
Boys										
Girls										
Total										

6. Details of Teachers

S. No.	Name of Teacher	Level of teaching	Qualification	Type of Appointment (Permanent/Temporary/ Own source of the School

7. Financial Description:

- a. Movable/Immovable property
- b. Annual income and its source

Documents enclosed:

1. Two years working plan for management of community school
2. Copy of the certificate of the formation of the Management Committee under the Education Act, 2028 and the Education Rules, 2059

3. Decision/Consent of the Management Committee
4. Decision of the Local body/organization

Seal of Office

Applicant's –

Signature:

Name:

Date:

Schedule-12

(Related to Rule 92)

Posts of Teachers in School

There shall be at least the following number of posts of teachers in a school.

- A. Pre-primary School : at least One teacher in preprimary school.
- ®B. Primary School: At least Two teachers upto Fifty students and Three teachers above Fifty students.
- C. Lower Secondary School :
 - 1. Four teachers of lower secondary level in a Lower Secondary Schools running from class 6 to class 8.
 - 2. At least Seven teachers as stated below in the school running from class 1 to 8.
 - (1) One teacher having passed proficiency certificate level or equivalent with English as major subject.
 - (2) One teacher having passed proficiency certificate level or equivalent with Major Science or Mathematics as major subjects.
 - (3) One teacher having passed proficiency certificate level or equivalent with Nepali or Sanskrit as major subject.
 - (4) One teacher having passed proficiency certificate level or for teaching Social Studies.
 - (5) Three teachers having passed School Leaving Certificate or equivalent.
- D. Secondary School :
 - 1. Five Secondary level teachers in school running from class 9 to 10.

® Amended by the Third Amendment.

2. At least nine teachers as follows in schools running from class 6 to 10.
 - (1) One teacher having passed Bachelor's level with English as major subject.
 - (2) One teacher having passed Bachelor's level with Mathematics and science as major subjects.
 - (3) One teacher having passed Bachelor's level with Major Nepali.
 - (4) One teacher having passed Bachelor's level for teaching Social studies.
 - (5) One teacher having passed Bachelor's level in the related subject to teach other optional subject.
 - (6) One teacher having passed proficiency certificate level or equivalent with mathematics and science as major subjects.
 - (7) One teacher having passed proficiency certificate level with Major English.
 - (8) Two teachers having passed proficiency certificate or equivalent in other subjects.
3. There shall be at least 3 teachers of primary level as per the sub-clause (2) of clause (C) in the schools running from class 1 to class 10.

Note:

1. Unless and until appointment of at least one teacher in each serial No. from 1 to 4 of sub-clause (2) of clause (C), no teacher more than one in the same subject shall be appointed.
2. Unless and until appointment of at least one teacher in each serial No. 1 to 7 of sub-clause (2) of clause (D) no

teacher more than one in the same subject shall be appointed.

3. Training required for appointment of teachers shall be according to the existing Rules.

NEPAL LAW COMMISSION

•Schedule-13

(Related to sub-rule (2) of Rule 93)

Grounds of Selection of Headmaster

<u>Serial No.</u>	<u>Grounds of Selection</u>	<u>Marks</u>
1.	Academic Qualification	10
2.	Teaching Experience	15
3.	Training	5
4.	Work Performance Evaluation	20
5.	School reform working plan	30
6.	Leadership capacity	<u>15</u>
Total:		100

Note:

1. While giving marks for academic qualification, for minimum qualification to enter into the service 10 marks for first division, 8 marks for second division and 6 marks for third division.
2. While giving marks for teaching experience, 10 marks in maximum at the rate of 2 marks for each year of permanent service at the same level and a maximum of 5 marks for each year of service below that level.

• Amended by the Third Amendment.

3. While giving marks for training, five, three and two marks shall be provided for the first, second and the third division respectively. Second grade marks shall be provided for the training in which division is not stated. The teacher shall get the marks for only one of the trainings he/she has acquired.
4. While giving marks for evaluation of work performance, average of the marks given for evaluation of work performance during last five years shall be counted.
5. While giving marks for School Reform Work Plan, 30, 20 and 10 marks shall be provided for excellent, good and ordinary proposal respectively. In order to obtain marks for School Reform Work Plan, the teacher shall prepare and submit such a plan. Management Committee may form team of experts for evaluating such School Reform Work Plan as may be necessary.
6. While giving marks for leadership capacity, 10 marks shall be provided on the basis of functioning and activities of the concerned candidate and the remaining five marks shall be provided for being Assistant Headmaster or being class Teacher to lead the class, incapacitated person and for being involved in extra activities at the rate of one mark.
7. While recommending a teacher for Headmaster, the Management Committee shall also send the marks obtained pursuant to Serial Number (5) and (6). In the meeting of the Management Committee to recommend the name of teacher for Headmaster, the Headmaster or the teacher working in that capacity shall not be allowed to attend.

☑Schedule-13A

(Related to sub-rule (4B) of Rule 93)

Proposal relating to School Development to be prepared by

Head Master

1. Analysis of current situation of school
 - (a) Physical management
 - (i) School Building
 - (ii) Furniture
 - (iii) Drinking Water
 - (iv) Land available for the school and the situation of utilization of other property etc.
 - (b) School Environment sanitation
 - (c) Academic Aspects
 - (i) Situation of Access to schools for children of that area
 - (ii) Situation of Teaching and learning
 - (iii) Standard of Academic Achievement
 - (iv) Situation of Educational Management
 - (d) School Community Relationship
 - (i) Management Committee
 - (ii) Teachers Parents Association
 - (iii) Conference of guardians
 - (iv) Situation of community activities
 - (e) Resources Mobilization
 - (i) Sources made available from government

☑ Inserted by the Third Amendment.

- (ii) Sources made available from local bodies
- (iii) Use and utilization of the recourse and means made available from community and other bodies
- (f) Extra Curricular Activities
 - (i) Sports
 - (ii) House Division
 - (iii) Operation of quiz context, spelling, poem, drama, essay and other competitive programmes
 - (iv) Children club, community activities such as sanitation, parents awareness raising programme and so on

2.(a) Prioritization for solving the problems which have been identified on the basis of the analysis

- (1)
- (2)
- (3)
- (b) Main strategies to be followed for improving the condition of the school
 - (1)
 - (2)
 - (3)
- (c) Two years working plan for operation of the school.

Schedule-14

(Related to Sub-rule (2) of Rule 95 and Sub-rule (3) of Rule 97)

Health Certificate

No communicable disease or any type of physical defect or internal disease have been found while conducting medical check up of Mr. , candidate for a teacher of Primary/Lower secondary/ Secondary level. In spite of having disease, I certify that he/she is capable to work in the above mentioned to post.

His/her age is years according to him/her and his/her certificate.

His/her complexion, special mark and thumb impression are as given below.

1. Complexion
2. Special mark
3. Signature :
4. Thumb impression of Right hand

Office Seal

Of the Doctor:-

Signature

Name

Designation

Nepal Medical Council

Registration No.

Office

Date

Schedule-15

(Relating to Sub-rule (4) of Rule 95)

Form of Oath of Office for an Employee

I do swear in the name of God/solemnly affirm that as in the capacity of a teacher of School Education Service, I shall carry out the responsibilities entrusted to me with honesty and to the best of my ability, knowledge and conscience, and with loyalty to the nation and educational profession and without fear, biases, prejudice, greed and favour and subject to the Act, these Rules and prevailing Nepal law and I shall not disclose or indicate directly or indirectly any confidential information to anyone other than the concerned person in whatsoever situation while I am in service or not.

Signature of the teacher taking the oath of Office: Signature of the official administering the oath of office:

Name:

Name:

School:

School:

Post :

Post :

Office :

Office :

Date

Date

:

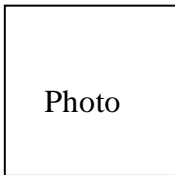
Schedule-16

(Related to Sub-rule (5) of Rule 95)

Teachers' Individual and Service Description Form

The following details have to be mentioned

1. Name :
2. Level and grade (class) :
3. Permanent address :
 - a. Zone
 - b. District
 - c. V.D.C./Municipality
 - d. Ward No. Block No.
 - e. Village or *Tole*
4. Date of Birth (B.S.)
Year Month Date
5. Place of Birth : Zone District
V.D.C./Municipality
6. Date to attain the age of 60 years (B.S.) :Year Month
..... Date
7. Citizenship : Religion Sex
8. Special physical marks :
9. Person Willied
 - a. Name, surname
 - b. Address
 - c. Relation
10. Of the Father



a. Name, surname

b. Address

c. Occupation

d. Citizenship

11. Of the Grandfather

a. Name, surname

b. Address

12. If married, name of spouse:

Occupation of spouse:

Number of sons :

Number of daughters:

13. Description of previous service under Government of Nepal (if any)

Office	Designation	class	Service	Duration	Cause/s of Leaving	Amount received after the retirement Pension/Gratuity

14. Description of service (complete and up to date description from the beginning of the service to be clearly mentioned)

Name of School	Designation	Level	Date of Appointment	Temporary/Permanent	Salary	Allowance	Remarks

15. Academic Qualifications :

Degree of examination completed	Name of the academic institution	Duration of study from to B.S.	Division	Major subjects studied	Remarks

16. Description of Training :

Name of Training	Duration of Training		Subject/s of Training	Division	Trainer Institute		Remarks
	From	To			Name	Place	

17. Published Books or Research :

Name of the Book	Date of Publication	Language of the Book	Subject Matter	Remarks

		Published		

18. Description of Medals, Appreciation Letters or Cash Prize:

Description of Medals, Appreciation Letter or Cash Prize Received	Date of Receiving of Medals, Appreciation Letter or Cash Prize	Amount of Cash Prize Received	From Where	Signature of the Certifying Officer	Remarks

19. Departmental Punishment:

Type of Punishment	Date of Order of Punishment	Appeal		Signature of Certifying Officer	Remarks
		Verdict	Date		

20. Statement of Leave:

Name of Teacher:	Level:	School:
Type of Leave	Duration	Total Duration

<p>1. Study Leave</p>	<p>From</p> <p>Year Month</p> <p>Date</p> <p>To</p> <p>Year Month</p> <p>Date</p>	<p>Years</p> <p>Months</p> <p>Days</p>
<p>2. Extraordinary Leave</p>	<p>From</p> <p>Year Month</p> <p>Date</p> <p>To</p> <p>Year Month</p> <p>Date</p>	<p>Years.....</p> <p>Months</p> <p>Days.....</p>

21. The aforementioned descriptions are true and correct, if found false, I shall be liable as per laws.

Signature of the Teacher Concerned:

Date:

Thumb Impression

Right	Left

22. The Headmaster certifying that the above descriptions are correct as per the school record book.

Name of Headmaster :

Signature:

School Address :

Date:

School Seal:

23. District Education Officer verifying the description according to the office record book.

Name of the District Education Officer:

District Education Office:

Signature:

Office Seal:

Date:

24. The record according to the above description has been maintained in Teachers' Record Office and his/her identification number is

Name of the Chief of the Teachers' Records office:-

Office Seal

Signature

Date

Record of transfer/promotion to be maintained after filling the above form and have to mention in the following table. (Promotion held for higher pay scale also to be mentioned)

Name of School	Transfer	Designation	Salary	Allowance	Total	Remarks transfer promotion date and symbol to be referred to	Signature of the officer making entry in the book and Date

--	--	--	--	--	--	--	--

25. To be mentioned after the retirement; Date of retirement:

Duration of service Years Months Days

Salary (excluding allowance) for the last One month : Rs

In words

Total gratuity to be received Rs. Amount to be paid by Government of Nepal

Total pension amount to be received Rs. In words

Name of the chief of the Teachers' Record Office:

Signature :

Date :

Points to be taken into account while filling in the form:

1. Form shall be filled neatly without rewriting or erasing.
2. Full signature of the officer certifying the rewritten portion.
3. Each page of form to be certified by the officer with his/her signature.
4. Form filled in with incomplete description shall not be accepted.

Schedule-17

(Related to Sub-rule (1) of Rule 99)

Application for Transfer

To

The District Education Officer

District Education Office,

.....

Subject: About Transfer

I, hereby, submit this application for getting transferred to the following school upon stating the following details:

Full name of teacher :

Permanent address :

Level and Grade :

Name and address of the school at present:

Name and address of the school desired to be transferred to :

Qualification and training :

Date of permanent appointment :

Duration of service in the district at present :

Cause for requesting for transfer :

Of the Applicant :-

Signature :

Name :

School :

Date :

Consent of the school for Transfer

This consent for transfer is given to Mr. , a teacher of this school, according to the decision made by the school management committee meeting held on

School Seal

Chairperson of the
school

management committee

Signature :

Name :

School :

Date :

Consent of the school going to be transferred to

This consent for transfer is given to Mr. , a teacher of school to be transferred to this school according to the decision made by the school management committee meeting held on

School Seal

Chairperson of the
school

management committee

Signature :

Name :

School :

Date :

Applicant Mr. has been transferred from School of
..... District to school of District.

District Education Office Seal

District Education

Officer :

Signature :

Name :

Date :

Schedule-18

(Related to Sub-rule (1) or (3) of Rule 117)

Requisition form for letter of pension authorization

To

Schools Teachers Records Office,

.....

I hereby submit this application for getting the letter of Pension Authorization having stated the following details pursuant to the Education Rules, 2059 since Mr. is going to be retired on or Mr. has died on

1. Name of the teacher/deceased teacher:-
2. Permanent address (District, Municipality/ Village Development Committee with Ward Number):-
3. Name of the school of initial appointment, date of appointment, and level
4. Name of the school at the time of retirement, level and class of the teacher.
5. Age of the teacher on the date of retirement Years Month
Day
6. Duration of permanent service Year Month Day
7. Person willed after the death
 1. Name :
 2. Permanent address (District, Municipality/Village Development Committee with Ward Number)
 3. Relationship:
8. In case no person is willed, name of the closest family member.

1. Name :
2. Permanent address (District, Municipality/ Village Development Committee with Ward Number)
3. Relation :
9. Father's Name :
10. Grandfather's Name :

Thumb Impression

Right	Left

Applicant

Signature :

Name :

Date :

The aforementioned description are true and correct, if found false, I shall be liable as per laws.

Documents to be included:

1. Death certificate in case of deceased teacher.
2. The proof of being Claimant of the deceased teacher.

Schedule-19

(Related to Sub-rule (7) of Rule 117)

Letter of Pension Authorization

Photo

(In the name of the teacher concerned)

1. Name of person acquiring the pension authorization
2. Permanent address (District, Municipality/ Village Development Committee with Ward Number)
3. Name of the school at the time of retirement, level and class of the teacher :
4. Date of retirement Year Month Day
5. Duration of permanent service Year Month Day
6. Tenure of Service :
7. Of the person willed after death :
 1. Name :
 2. Permanent address :
 3. Special physical marks. :
 4. Relationship :
8. Salary of the last one month : (in figure and words)
9. Signature of the person acquiring pension Authorization :

Thumb impression

Right	Left

Office seal

The officer issuing letter of authorization:

Signature:

Name :

Designation :

Office :

Date :

NEPAL LAW COMMISSION

Schedule-20

(Related to Sub-rule (7) of Rule 117)

Photo

Family Pension Authorization

(In the name of the person nominated)

1. Name of the deceased teacher:
2. Permanent address of the deceased teacher (District, Municipality/V.D.C. with Ward No.)
3. Name of the school at the time of retirement, level and class of the teacher:
4. Date of retirement Year Month Day
5. Duration of permanent service Year Month Day
6. Tenure of service :
7. Of the person willed after the death :
 1. Name :
 2. Permanent address :
 3. Special Physical marks :
 4. Relationship :
8. Salary of the last one month : (in figure and words)
9. Signature of the person getting pension Authorization :

Thumb impression

Right	Left

Office seal

Of the officer issuing letter of authorization:

Signature:

Name:

Designation:

Office:

Date:

Schedule 21-23 are remaining

NEPAL LAW COMMISSION