



NALANDA OPEN UNIVERSITY, PATNA

02 - POWERS AND DUTIES OF OFFICERS AND EMPLOYEES

- 1. Officers of the University :** The following shall be the Officers of the University, namely :
 - (1) The Chancellor;
 - (2) The Vice-Chancellor;
 - (3) The Pro-Vice-Chancellor;
 - (4) The Registrar;
 - (5) The Registrar (Examinations);
 - (6) The Finance Officer;
 - (7) Such other persons as may be declared by the Statute to be the Officers of the University.
- 2. Transfer of Officers :** All officers excluding the Vice-Chancellor and the Pro-Vice-Chancellor of the University may be transferred by the Chancellor, on the recommendation of the Vice-Chancellor or otherwise, to a similar post or any other equivalent post in another University of the State of Bihar or to any equivalent post in the same University.
- 3. Chancellor :**
 - (1) The Governor of Bihar shall be the Chancellor and shall, by virtue of his office, be the head of the University and shall when present, preside at any convocation of the University.
 - (2) The Chancellor shall have the right to inspect the University, its buildings, laboratories, workshops and equipments, any study centre the teaching or examinations conducted or any act done by the University, and to get such inspection done by such person or persons who may be directed by him, and to enquire or to cause an enquiry to be made in like manner, in respect of any matter connected with the University, and it shall be the duty of the authorities of the University or the study centre to give full co-operation in such enquiry:

Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or enquiry conducted and the University shall be entitled to be represented thereat.
 - (3)
 - (i) The Chancellor may send the results of such inspection or enquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Executive Council and the Academic Council.
 - (ii) The Executive Council and the Academic Council shall report to the Chancellor such action, if any, as they have taken or may propose to take upon the results of such inspection or enquiry.
 - (iii) Where the Executive Council and the Academic Council do not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation filed by the Executive Council and the Academic Council, issue such direction as he may think fit, and the Executive Council and the Academic Council shall at once comply:

Provided that notwithstanding anything contained in this sub-section the Chancellor, if he considers necessary, may on the report of the Vice-Chancellor or otherwise call for explanation from any teacher or officer of or connected with the University and after due consideration of the charges give such direction as he may think proper to which the Vice-Chancellor, the Executive Council and the Academic Council as the case may be, shall comply within the period specified.
 - (4) The Chancellor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes, the Ordinances or the Regulations, or for which there is no sufficient justification :

Provided that before making any such order, he shall call upon the University to show cause within the period specified by him why such order should not be made, and if any cause is shown within the said period, he shall consider the same.

- (5) The Chancellor may withdraw or rescind any order passed by him if he considers such withdrawal or rescission proper in the eye of law or finds on the basis of records his previous order to be incorrect.
- (6) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.
- (7) Where power is conferred upon the Chancellor by this Act or the Statutes to nominate persons to authorities and bodies of the University the Chancellor shall, to the extent necessary and without prejudice to such powers, nominate persons to represent interests not otherwise adequately represented.
- (8) The Chancellor shall have such other powers as are conferred on him by this Act or the Statutes.

4. The Vice-Chancellor :

- (1)
 - (i) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.
 - (ii) The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public notification or nomination or a talent search process or in combination. The members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Chancellor.
 - (iii) Following shall be the constitution of the Search Committee.
 - (a) A member nominated by the Chancellor, who shall be an eminent Scholar/Academician of national repute or a recipient of Padma Award in the field of education and shall be the Chairman.
 - (b) The Director or Head of an institute or organization of national repute, such as, Indian Institute of Technology, Indian Institute of Science, Indian Space Research Organization, National Law University or National Research Laboratory or Vice-Chancellor of a statutory University nominated by the Chancellor as Member.
 - (c) A member nominated by the State Government who shall be an eminent Academician and have full knowledge of the academic structure and problems of higher education of the State.
- (2) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government from amongst persons having qualifications as mentioned in sub-section (1).
- (3) The Vice-Chancellor shall be a wholetime officer and shall hold office for term of three years from the date on which he assumes charge of the office. On ne expiry of the said term he may be re-appointed for another terms not exceeding three years.
- (4)
 - (i) The conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.
 - (ii) Where the person appointed as Vice-Chancellor is in receipt of a pension from the Central or the State Government, the pension payable to him shall be treated as part of salary.
- (5) The Vice-Chancellor shall be the principal executive and academic officer of the University, Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall, in the absence of the Chancellor, preside at any convocation of the University :
Provided that the Vice-Chancellor shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

- (6) The Vice-Chancellor shall, subject to the provisions of this Act, the Statutes and the Ordinance, made thereunder, have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants of the University, not being teachers and officers of the University and have control and full disciplinary powers over such staff and servants.
- (7) The Vice-Chancellor shall have power to convene meetings of the Executive Council, its Committees and Sub-Committees, Academic Council and any other authorities of the University shall and be ex-officio Chairman of those meetings provided that he may on account of his unavailability delegate the power under this sub-section to any other officer of the University.
- (8) The Vice-Chancellor shall have the right to visit and inspect the study centres and buildings, laboratories, workshops and equipments thereof and any other institution associated with the University.
- (9) Save as otherwise provided in the Ordinance or the Statutes, the Vice Chancellor shall appoint officers other than the Pro-Vice-Chancellor, with the approval of the Chancellor, and teachers and shall define their duties.
- (10) If at any time except when the Executive Council or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Executive Council or the Academic Council by or under this Ordinance he shall take such action as he deems fit, and shall report the action taken by him to such authority which may either confirm the action so taken or disapprove it.
- (11) (i) Subject to the provisions of this Act it shall be the duty of the Vice Chancellor to see whether the proceedings of the University are carried out in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in conformity with such provisions.
(ii) Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceeding of the University is not in accordance with this Act, the Statutes, the Ordinances, the Regulations and the Rules, the Vice-Chancellor shall have the powers to stay the proceeding reported against.
- (12) The Vice-Chancellor shall have power to take disciplinary action against all employees of the University including officers and teachers of the University.
- (13) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank.
- (14) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.

5. Removal of the Vice-Chancellor :

- (1) If at any time and after such enquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor :
 - (i) has failed to discharge any duty imposed upon him, by or under this Act, the Statutes, the Ordinance, or
 - (ii) has acted in a manner prejudicial to the interests of the University, or
 - (iii) has been incapable of managing the affairs of the University.

The Chancellor may, notwithstanding the fact that the term of office Vice-Chancellor has not expired, require the Vice-Chancellor by an order in writing stating the reasons therefor, and after consulting the State Government, to resign date, as may be specified in the order.

- (2) Unless a notice stating the specific grounds no order (1) shall be passed on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to he Vice-Chancellor.
- (3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and the office of the Vice-Chancellor shall be deemed vacant.

- 6. (1) The Pro Vice-Chancellor shall be appointed consultation with the State Government in the same manner as prescribed for appointment of Vice-Chancellor.**

- (2) A Pro-Vice-Chancellor shall be the wholetime Officer of the University. He shall hold office, on such conditions as may be determined by the Chancellor in consultation with the State Government, for a period not exceeding three years.
- (3) Subject, to the provisions of this Ordinance the Pro-Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him, from time to time, by the Vice-Chancellor.

7. Arrangement of work during temporary absence of the Vice-Chancellor : During the temporary absence of the Vice-Chancellor by reason of leave, illness or any other cause, it shall be lawful for the Pro-Vice-Chancellor to exercise the powers and perform the duties of the Vice-Chancellor, and the matter shall be immediately reported to the Chancellor by the Registrar and if, in the opinion of the Chancellor, the temporary absence of the Vice-Chancellor is for a long period, the Chancellor may make such other arrangement as he thinks fit for carrying on the office of the Vice-Chancellor.

8. The Registrar :

- (1) The Registrar shall be a wholetime Officer and shall be appointed in such manner and on such terms and conditions as may be prescribed by the Statutes and he :
 - (a) shall act as Secretary to the Executive Council and the Academic Council;
 - (b) shall manage the property and the investments of the University;
 - (c) shall sign all contracts made on behalf of the University;
 - (d) shall exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinances, or the Regulations and the Rules as may from time to time, be framed, conferred and imposed on him by the Executive Council and the Academic Council;
 - (e) shall generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties.
- (2) Notwithstanding anything contained in this Act or the Statutes the Chancellor may, if he thinks proper, appoint an Officer of the Central Government or the State Government or of any autonomous body established by an Ordinance of Parliament or the State Legislature, to be the Registrar on such terms and conditions as may be prescribed by the Chancellor in consultation with the concerned authority and the State Government.

9. The Registrar (Examination) : The Registrar (Examination) shall be a wholetime Officer of the university and shall act as Secretary to the Examination Board and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinances, the Regulations and the Rules or as may, from time to time, be conferred or imposed on him, by the Vice-Chancellor or the Pro-Vice-Chancellor.

10. The Finance Officer : The Finance Officer shall be a wholetime Officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinances, the Regulations and the Rules, or as may from time to time, be conferred or imposed on him by the Executive Council, the Vice-Chancellor, the Pro-Vice Chancellor or the Registrar.

