

- सद्भावना से किये गये 23. किसी व्यक्ति के विरुद्ध, किसी ऐसे कार्य के लिये जो इस अधिनियम के अधीन सद्भावना से किया गया हो या किये जाने के लिये आशायित हो, कोई वाद, अभियोजन या अन्य कार्यवाही नहीं की जा सकेगी।
- निर्देश जारी करने की 24. राज्य सरकार समय-समय पर ऐसे निर्देश जारी कर सकती है, जो इस शक्ति अधिनियम से असंगत न हों।

आज्ञा से,

जय देव सिंह,  
प्रमुख सचिव।

No. 108/XXXVI(3)/2015/26(1)/2015

Dated Dehradun, April 07, 2015

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of **‘the Uttarakhand Medical Service Selection Board Bill, 2015’** (Adhiniyam Sankhya 18 of 2015).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 06 April, 2015.



**THE UTTARAKHAND MEDICAL SERVICE SELECTION BOARD ACT, 2015**

(Uttarakhand Act No. 18 of 2015)

**An****Act**

to provide for the establishment of the Medical Service Selection Board for certain categories for matter connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

**CHAPTER-1  
PRELIMINARY**

**Short title and Commencement**

1. (1) This Act may be called the Uttarakhand Medical Service Selection Board Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

**Applicability**

2. The provisions of this Act, will apply to all posts of Group 'b' of Medical officer and to the Professors, Assistant Professors, Associate Professors, and to the posts of Medical College, Nursing College Schools falling under the purview of Public Service Commission. The State Government may place or remove the Para-medical post of Medical Service from the purview of the Board by notification.

**Definition**

3. In this Act, unless the context otherwise requires -

(a) **"Appointing authority"** in relation to Medical Service or post, means the authority empowered to make appointment to such service or post;

(b) **"Board"** means the Uttarakhand Medical Services Selection Board constituted under section 4;

(c) **"Chairman"** means the Chairman of the Board;

(d) **"Group 'B' post"** means the post specified as such by the State Government from time to time ;

(e) **"Member"** means the member of the Board and includes Chairman;



(f) "Secretary" means the Secretary of the Board;

(g) "year of recruitment" means the period of twelve months commencing on the first day of July of a Calendar year.

## CHAPTER-II

### ESTABLISHMENT OF THE BOARD

**Establishment of the Board** 4.

On from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Board to be known as the Uttarakhand Medical Service Selection Board.

**Composition of the Board** 5.

(1) The Board shall consist of a Chairman and such other Member not exceeding two as the State Government may from time to time appoint;

Provided that member shall be eligible or appointment as /Chairman but shall not be eligible for re-appointment or continuance in office either as Member of Chairman after the period of his term.

(2) If the office of the Chairman becomes vacant or if the Chairman by reason of absence or for any other reason is unable to perform the duties of his office, such duties shall, until some person appointed under sub-section (1) has assumed or, as the case may be until the Chairman has resumed his duties, be performed by member as the State Government may appoint for the purpose.

**Appointment of Chairman and Member** 6.

(1) The Chairman shall be a person of national/state repute in the field of medical health and medical education, shall be appointed by the State Government.

(2) Director General medical Health and family Welfare of Uttarakhand and Director Medical Education Government of Uttarakhand shall be designated members of The board.

(3) The board may co-opt 4 to 5 Specialists from the field of medical health.

**Powers and duties of Chairman and other Member** 7.

(1) The Chairman shall be in charge of the administration of the Board and shall have the power to-



- (a) Constitute Committees or sub-committees from amongst the Member with or without one of more non-member;
  - (b) allocate to Member, committees and sub-committees such work as is not specifically allocated by this Act or rules or regulation made there under;
  - (c) co-ordinate the working of the Board and its Member;
  - (d) grant leave to and approve the tour programmes of Member and officers of the Board;
- (2) The Member shall assist the Chairman in conduction the examinations and interviews of candidates and do such other work as may be allocated to them by or under this Act, the rules or regulation made there under, or by the Chairman under clause (b) of sub-section (1).

Terms of Office 8.  
and conditions of  
service of Member

- (1) The Chairman or every other Member shall hold office for a term of six years from the date he assumes his office;

Provided that no member including the Chairman shall hold office as such after he has attained the age of seventy years or he has completed his term, whichever is earlier.

- (2) The Chairman or other Member may, at any time, by writing under his hand addressed to the State Government resign from his office.
- (3) The Chairman or other member may be removed from his office by an order made by the State Government on the ground that he has acquired any of the disqualifications specified in section 10 or on the ground of misconduct or incapacity after an inquiry made by a judge of the High Court in the manner as may be prescribed in which such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.
- (4) The salary and allowance payable to, and other terms and conditions of the Chairperson or the members shall be such as may be prescribed.

Disqualification 9.  
for being the  
Chairman or  
other Member

A person shall be disqualified for appointment as Chairman or other member if he-

- (a) becomes an undischarged insolvent;



- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court.
- Power to Associate** 10. The Board may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire to have in carrying out any of the provision of this Act.
- Proceedings of the Board not to be invalidated** 11. No act or proceeding to the Board shall be deemed to be invalid merely on the ground of –
- (a) any vacancy or defect in the constitution of the Board;
- (b) any defect or irregularity in the appointment of a person acting as the Chairman or other Member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the substance.
- Secretary of the Board** 12. (1) There shall be a Secretary of the Board appointed by the State Government, who shall be the Head of the Office of the Board.
- (2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulations made under this Act or as may be directed by the Chairman.
- Authentication of the orders of the Board** 13. All the decisions and orders of the Board shall be authenticated by the signature of the Secretary or may other officer authorised by the Board in this behalf.

### CHAPTER-III

#### POWERS AND DUTIES OF THE BOARD AND ALLOCATION OF BUSINESS

- Powers and duties of the Board** 14. (1) The Board shall have the following powers and duties, namely-
- (a) to prepare guidelines on matters relating to method of recruitment;
- (b) to conducted examinations, hold interview and make selection of candidates;



(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);

(d) to perform such other duties and exercise such other powers as may be prescribed.

(2) In exercising the powers or performing the duties referred to in sub-section (1), the Board shall be guided by such rules or regulations as may be made in this behalf;

**Business to be transacted by Board**

15. The Board shall, with previous approval of the State Government, make regulations for the convenient transaction of its business, including performance of its functions by the chairman or other members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Board;

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

#### CHAPTER-IV

##### NOTIFICATION OF VACANCIES AND APPOINTMENT

**Notification of Vacancies**

16. (1) The appointing authority shall determine and intimate to the Board the number of vacancies to be filled through the Board during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the law for the time being in force in this behalf;

(2) The Vacancies shall be notified to the Board in such manner as may be prescribed.

**Selection by the Board**

17. (1) The Board shall, as soon as possible after the intimation of vacancies under section 16, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable.



- (2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

## CHAPTER-V

### BUSINESS BEFORE THE BOARD

- Decision meeting** in 18. All matters at any meeting of the Board shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairman, or in his absence. The member presiding shall have a second or casting vote.

- Quorum** 19. The quorum for a meeting of the Board shall be one-half of the total number of members;

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

## CHAPTER-VI

### ANNUAL REPORT

- Annual Reports** 20. The Board shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before the house of the State Legislature.

## CHAPTER-VII

### MISCELLANEOUS

- Power to make rules** 21. The State Government may, by notification, make rules for carrying out the purposes of this Act.
- Power to make regulations** 22. (1) The Board may, with the previous approval for the State Government make or amend regulations relating to the discharge of its functions under this Act including charging of fees for holding examinations or interviews or both for making selection under this Act.



- (2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made thereunder.

Protection of 23.  
action taken in  
good faith

No, suit prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be under this Act.

Powers to issue 24.  
direction

The State government may from time to time issue directions not inconsistent with the act.

By Order,

JAI DEO SINGH,  
Principal Secretary.

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