

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed
as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT⁶ HEALTH AND MEDICAL EDUCATION
DEPARTMENT

Notification

Jammu, the 27th November, 2020.

SO6364.6 In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Lieutenant Governor is pleased to make the following rules, namely :6

1. *Short title and commencement.*6 (1) These rules may be called the Jammu and Kashmir Medical and Dental Education (Appointment on Academic Arrangement Basis) Rules, 2020.

2 The J&K Official Gazette, 27th Nov., 2020/6th Agra., 1942. [No. 35-e
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(2) They shall come into force from the date of their publication
in the Official Gazette.

2. *Definitions.* In these rules, unless the context otherwise
requires,

- (a) **Appointing Authority** means the authority competent to make appointments in respect of posts under relevant Recruitment Rules ;
- (b) **Form** means the agreement form appended to these rules as Form A ;
- (c) **Post** means the post under the Government against which appointment is to be made under these rules ;
- (d) **Selection Committees** mean the committees constituted under rule 6 of these rules ; and
- (e) **Words and expressions** used in these rules but not defined shall have the same meaning as assigned to them in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

3. *Application of the Rules.* (1) These rules shall apply to the teaching posts, medical officers and posts of nurses/paramedical/paradental/technical staff in the Government Medical Colleges, Government Dental Colleges, Government Ayurvedic College, Government Unani College, Government Nursing Colleges, ANM/GNM Schools, Medical Superintendents and Deputy Medical Superintendents subject to the conditions that Medical Superintendents and Deputy Medical Superintendents, to be appointed on academic arrangements, may be drawn from the eligible candidates, including retired Medical Superintendents/Deputy Medical Superintendents, but excluding inservice candidates who may possess the requisite qualification, but are employed under the Government in a substantive capacity on other posts.

(2) These rules shall have effect notwithstanding anything contrary contained in any rules for the time being in force.

4. *Appointment under these Rules.* (1) Notwithstanding anything to the contrary contained in any rule or order for the time being in force relating to the method of recruitment and conditions of service for recruitment in any service, or to any post under the Government, the appointing authority may appoint persons to the posts mentioned

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under Rule 3 on academic arrangement basis initially for a period of one year extendable up to maximum of six years (one year at a time and subject to good performance and conduct) or till selection/promotion is made in accordance with the rules of recruitment governing the respective posts, whichever is earlier. The extension so granted under these rules shall not be beyond a period of six years under any circumstances and this shall be clearly indicated in the engagement order :

Provided that extension up to 3 years shall be made on year to year basis by the Principal of the College concerned. For engagement beyond 3 years, the case will be considered by the Government and once approved, Principal concerned shall be authorized to grant further extensions for another three years :

Provided further that in case of Professors and Associate Professors appointed in new Government Medical Colleges viz. Anantnag, Baramulla, Doda, Handwara, Kathua, Rajouri and Udhampur, the appointing authority may appoint the persons on academic arrangement basis initially for a period of 3 years extendable up to maximum six years (one year at a time and subject to good performance and conduct) or till selection/promotion is made in accordance with the rules of recruitment governing the respective posts, whichever is earlier :

Provided also that recruitment against the posts as may be made on academic arrangement basis in any of the Health and Medical Institutions, shall and shall always be on academic arrangement only without conferment of any preferential right on the engages for regular appointment against these posts, which shall be made strictly in accordance with the relevant recruitment rules :

Provided also that the appointment under these rules shall not entitle the appointee to any preferential claim for regular appointment under normal process of selection/appointment :

Provided also that the appointment on academic arrangement basis against the faculty posts in the Medical Colleges shall by itself stand terminated on the attainment of 70 years of age by the appointee except for the faculty posts of the Department of Dentistry in the new Medical Colleges, where it shall stand terminated on attainment of 65 years of

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4. One expert in the relevant discipline to be Member :
nominated by the Government.

Provided that for the post of Registrar/Demonstrator/Tutor, the Selection Committee provided under J&K Medical Education (Gazetted) Service Recruitment Rules, 1979/J&K Dental Education (Gazetted) Service Recruitment Rules, 1993, as the case may be, and as subsequently constituted in terms of various Government Orders, shall make the selections.

(2) The selection of candidates for the posts of Nurses/Para-medical/Paradental/Technical Staff shall be made by a Selection Committee comprising of :ô

1. Principal of the concerned Government Medical College/Dental College/Ayurvedic College/Unani College (as the case may be). Chairman
2. Administrator, Associated Hospitals/one Faculty Member not below the rank of Associate Professor (Member
(Director, ISM in case of Ayurvedic College/Unani College)
(In case of GMCs, Anantnag, Baramulla and Handwara, Administrator, Associated Hospitals, Srinagar and in case of GMCs, Doda, Kathua, Rajouri and Udhampur, Administrator, Associated Hospitals, Jammu shall be the Members till such time Administrators are posted in these new Medical Colleges).
3. Medical Superintendent (Member
(in case of Medical Colleges, Srinagar and Jammu, the Principal may nominate any of the Medical Superintendents of the Associated Hospitals).

(3) The selection of candidates for the posts of Teaching Faculty in Nursing Colleges shall be made by a Selection Committee comprising of :ô

1. Principal, Government Medical College (to be nominated by the Government) Chairman
2. Director, Health Services concerned Member
3. Principal, Nursing College concerned Member
4. Representative of Health and Medical Education Department Member

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deemed to have been made or taken under the corresponding provisions
of these rules.

By order of the Government of Jammu and Kashmir.

(Sd.) ATAL DULLOO, IAS,
Financial Commissioner,
Health and Medical Education Department.

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FORM Aø

THIS AGREEMENT is made on _____ day of _____
between the Lieutenant Governor of Jammu and Kashmir through the
appointing authority of the one part and Sh./Smt. _____
S/o, D/o, W/o _____ residing at
_____ (hereinafter called as the appointee on academic
arrangement basis) of the other part ;

WHEREAS, the post of _____ in the Department
of _____ has fallen vacant and it is likely to take
a lot of time to fill up the said post through the existing process of
selection/promotion and appointment in accordance with the rules ;

AND WHEREAS, administrative exigency warrants immediate
filling up of said post in public interest ;

AND WHEREAS, the Government has decided to fill up the
available vacancies immediately on academic arrangement basis under
Jammu and Kashmir Medical and Dental Education (Appointment on
Academic Arrangement Basis) Rules, 2020 ;

AND WHEREAS, the Selection Committee, constituted under
Rule 6 of the said rules after inviting applications from the persons
eligible for the post has selected the appointee on academic arrangement
basis for the post of _____ and his/her appointment has
been approved by the appointing authority on academic arrangement
basis.

NOW THIS AGREEMENT WITNESSES and the parties hereto
hereby agree as follows :ø

1. That the appointment of the appointee shall be purely on
academic arrangement basis for a period of one year (except
for the posts of Professors and Associate Professors in new
Government Medical Colleges, where it shall be for a period
of three years), extendable up to a maximum of six years (one
year at time subject to good performance and conduct) from
the day of signing of this agreement or till post is filled up in

accordance with the rules of recruitment governing the post, whichever is earlier :

Provided that the appointment on academic arrangement basis against the faculty posts in the Medical Colleges shall terminate on the attainment of 70 years of age by the appointee except for the faculty posts of the Department of Dentistry in the new Medical Colleges and the faculty posts of Dental Colleges and Ayurvedic and Unani Medical Colleges, where it shall stand terminated on attainment of 65 years of age by the appointee.

2. That the appointment on academic arrangement basis of the appointee shall be terminable on either side by prior notice of one month or on payment of one month's salary by the appointing authority :

Provided that the appointment of the appointee shall be terminable without notice by the appointing authority whenever the post is filled up under rules and the appointee shall have no claim against the Government or the appointing authority.

3. That the appointee on academic arrangement basis shall submit himself/herself to the orders of the Government and the officers and the authorities under whom he/she may be placed from time to time by the Government.
4. That the Government will pay the appointee a consolidated salary as mentioned in the J&K Medical and Dental Education (Appointment on Academic Arrangement Basis) Rules, 2020 as long as he/she shall remain in the service and actually performs his/her duties.
5. That the appointee shall be entitled to a casual leave of 15 days for the period of one year. Any leave beyond that period, on whatever ground it may be, shall be at the discretion of the appointing authority on justified grounds.
6. That, if the appointee at any time wilfully neglects or refuses to perform his/her duties, the appointing authority shall immediately terminate his/her appointment on academic

