

Indian Institute of Teacher Education (Leave for Teaching Staff) Rules 2019

In exercise of the powers conferred under Section 21(j) of the Indian Institute of Teacher Education Act, 2010, the Executive Council of Indian Institute of Teacher Education, Gujarat has approved these rules at its meeting dated 26 December, 2019 vide resolution no. 1, namely:

1. Applicability

- i. These rules may be called Indian Institute of Teacher Education (Leave for Teaching Staff) Rules 2019.
- ii. These leave rules shall be applicable to all the permanent teaching staff of the University.
- iii. Any rules or amendment made by University or Government of Gujarat will be applicable to these rules, as and when amended time to time.
- iv. These shall come into force from the date of notification.

2. Right to Leave

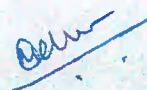
- i. Leave shall be availed with prior approval of the authorities. Leave should always be applied for and sanctioned before it is taken, except in cases of emergency and for satisfactory reasons.
- ii. Leave of any kind cannot be claimed as a matter of right.
- iii. The leave sanctioning authority may refuse or revoke leave of any kind.
- iv. Leave sanctioning authority cannot alter the kind of leave due and applied for, except at the written request of the University Employee.
- v. Absence from duty after expiry of leave entails disciplinary action.
- vi. Absence without leave will constitute an interruption in service.
- vii. A staff on leave should not take up any service or employment elsewhere without obtaining prior sanction of the competent authority.

3. Authority empowered to sanction Leave

- i. Applications for leave other than casual leave shall be addressed to the Principal. Principal shall forward this application to Registrar, which will be presented to the Vice Chancellor. Vice Chancellor shall be the competent authority to sanction such leave, except provision is made in these rules otherwise.
- ii. Normally, the Registrar will regulate the leave accounts of the teaching staff.
- iii. Casual Leave of Principal shall be sanctioned by the Vice Chancellor. Casual Leave of all other teaching staff shall be sanctioned by the Principal. Leave record for the casual leave of teaching staff will be maintained by respective Centre/office.

4. Consideration for sanctioning of leave on application

- i. In case, where applications for grant of leave are more in numbers, and in public interest all applications cannot be granted, the authority competent to grant leave while deciding the applications shall take into consideration the following points, namely:
 - (a) The University employee who can be spared for the time being,



- (b) The amount of leave due to the various applicants,
- (c) The amount and character of the service rendered by each applicant since he last returned from leave,
- (d) Whether such applicant was compulsorily re-called from his leave, and
- (e) Whether such applicant has been refused leave in the public interest.

5. Commutation of one kind of leave into another

- i. At the request of a University Employee, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but such commutation shall not be claimed as a matter of right by the University Employee.
- ii. The commutation of one kind of leave into another shall be subject of adjustment of leave salary on the basis of leave finally granted to the University Employee. Any amount paid in excess shall be recovered or any arrears due to him shall be paid.
Note: Extraordinary leave granted on medical certificated or otherwise may be commuted retrospectively into leave not due as per provision of rule for leave not due.

6. Combination of different kinds of leave

- i. Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.
Explanation: Casual leave which is not recognizing as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

7. Maximum period of continuous leave

- i. Unless University in view of the exceptional circumstances of the case otherwise determines, no University employee shall be granted leave of any kind for a continuous period exceeding five years.
- ii. A University employee shall be deemed to have resigned from the service if, he:
 - (a) Is absent without authorization for a period of one year from the date of expiry of sanctioned leave or permission : or
 - (b) Is absent from the duty for a continuous period exceeding five years even if the period of the unauthorized absence is for less than a year.

Provided that a reasonable opportunity to explain the reason for such absence shall be given to the University employee before the provisions of sub-rule (ii) are invoked.

8. Formal joining of duty at the end of leave with the intention of taking leave again

- i. Formal joining of duty at the end of leave with the intension of taking leave again within a few days should not be permitted. The principle on which the requirements of this rule should be enforced is that no deliberate or intentional evasion of the rule should be permitted: but so long as this condition is satisfied, it is at the discretion of the competent authority to grant or refuse the leave.

9. Acceptance of service or employment while on leave

- i. A University employment while on leave shall not take up any service or employment elsewhere without previous sanction of the competent authority.

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- ii. The leave salary of a University employee who is permitted to take up employment under Government, other institute or a private employer during leave shall be subject to such conditions as the University may by order specify.
- iii. A University employee who is on leave on Medical Certificate shall not be permitted to undertake any service or employment elsewhere during such leave.
- iv. When a University employee on leave, whether with or without leave salary, is allowed to take up under this rule an employment in another Government office, institution or any other employment, all leave salary shall be ipso facto cease on joining the new employment, other than work or service referred to in sub-rule (i) of this rule.

10. Application for leave

An application for grant or extension of leave shall be made in respective form to the competent authority.

11. Leave account

A leave account in respective form of each University employee shall be maintained by the authority who maintains his service records.

12. Combination of holidays with leave

When the day, immediately preceding the day on which University employee's leave begins or immediately following the day on which his leave expires, is a holiday or on of a series of holidays, the University employee may be permitted to proceed on leave at the close day before, or return it on the day following such holidays or series of holidays.

13. Return from leave

- i. A University employee on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority, authorised to grant leave.
- ii. A Government employee who has been granted leave on Medical ground may not return to duty until he has produced a medical certificated of fitness. Leave sanctioning authority may secure second medical opinion, if considered necessary.

14. Rejoining of duty on return from Leave on medical grounds

- i. An employee who has been granted leave on medical certificate is required to produce a medical certificate of fitness before resuming duty.
- ii. Leave sanctioning authority may secure second medical opinion, if considered necessary.

15. Rejoining of duty before the expiry of leave

- i. Except with the permission of the authority, which granted leave, no member of the staff on leave may return to duty before the expiry of the period of leave granted to him.

16. Absence after expiry of leave

- i. Unless the authority competent to grant leave approves the extension of leave, a University employee who remains absent shall not be entitled for the leave salary for the period so such absence and that period shall be debited against his leave account

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as though it were half pay leave, to the extent such leave is due and the period in excess of such leave due being treated as extraordinary leave:

- ii. Wilful absence from duty after the expiry of leave shall render a University employee liable to disciplinary action.

17. Kinds of Leave Rules for Permanent Teachers of the University

- i. The following kinds of leave would be admissible to permanent teachers:
 - (a) Leave treated as duty, viz. casual leave, special casual leave, and duty leave;
 - (b) Leave earned by duty, viz. earned leave, half-pay leave, and commuted leave;
 - (c) Leave not earned by duty, viz. extraordinary leave; and leave not due;
 - (d) Leave not debited to leave account
 - (e) Leave for academic pursuits, viz. study leave, sabbatical leave and academic leave;
 - (f) Leave on grounds of health, viz., maternity leave and quarantine leave.
- ii. The Executive Council may grant, in exceptional cases, for the reasons to be recorded, any other kind of leave, subject to such terms and conditions as it may deem fit to impose.

18. Duty Leave

- i. Duty Leave of the maximum of 10 days in an academic year may be granted for the following purposes:
 - (a) Attending Orientation Programme, Refresher Course, Research Methodology Workshop, Faculty Induction Programme, Conference, Congresses, Symposia and Seminar, as a delegate nominated by the university or with the permission of the university;
 - (b) Delivering lectures in institutions and universities at the invitation of such institutions or universities received by the university, and accepted by the Vice- Chancellor/Principal of the College;
 - (c) Working in another Indian or foreign university, any other agency, institution or organisation, when so deputed by the university/College;
 - (d) Participating in a delegation or working on a committee appointed by the Central Government, State Government, the UGC, a sister university or any other similar academic body; and
 - (e) For performing any other duty assigned to him/her by the university/college.
- ii. The duration of leave should be such as may be considered necessary by the sanctioning authority on each occasion.
- iii. The leave may be granted on full pay, provided, that if the teacher receives a fellowship or honorarium or any other financial assistance beyond the amount needed for normal expenses, he/she may be sanctioned duty leave on reduced pay and allowances.
- iv. Duty leave may be combined with earned leave, half pay leave or extraordinary leave, or Casual leave.

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- v. Duty leave should be given also for attending meetings in the UGC, DST, etc. where a teacher is invited to share his/her expertise with an academic body, government agency or NGO.

19. Study Leave

- i. The scheme of Study Leave provides an opportunity to avail of scholarships/fellowships awarded to the faculty who wish to acquire new knowledge and to improve analytical skills. When a teacher is awarded a scholarship or stipend (by whatever nomenclature called), for pursuing further studies, leading to a Ph.D./Post- doctoral qualification or for undertaking a research project in a higher education institution abroad, the amount of the scholarship/fellowship shall not be linked to the recipient's pay/salary paid to him/her by his /her parent institution. The awardee shall be paid salary for the entire duration of fellowship/scholarship, provided, that he/she does not take up any other remunerative jobs, like teaching, in the host country.
- ii. A teacher on Study Leave shall not take up, during the period of that leave, any regular or part-time appointment under an organisation in India or abroad. He/she may, however, be allowed to accept a fellowship or a research scholarship or an ad-hoc teaching and research assignment with an honorarium or any other form of assistance, other than the regular employment in an institution either in India or abroad, provided, that the Executive Council of his/her parent institution may, if it so desires, sanction study leave on reduced pay and allowances to the extent of any receipt in this regard, in-lieu of teaching etc., which may be determined by his/her employer.
- iii. The study leave shall be granted to an entry-level appointee as Assistant Professor (other than as Associate Professor or Professor of a University, who is otherwise eligible for sabbatical leave) after a minimum of three years of continuous service, to pursue a special line of study or research directly related to his/her work in the University/College/Institution or to make a special study of the various aspects of University organisation and methods of education, giving full plan of the work.
- iv. The study leave shall be granted by the Executive Council on the recommendation of the Head of the Department concerned. The leave shall not be granted for more than three years in one spell, save in exceptional cases, in which the Executive Council is satisfied that such extension is unavoidable on academic grounds and necessary in the interest of the University/ College/ Institution.
- v. The study leave shall not be granted to a teacher who is due to retire within five years of the date on which he/she is expected to return to duty after the expiry of study leave.
- vi. The study leave shall be granted not more than twice during one's entire career. However, the maximum period of study leave admissible during the entire service shall not exceed five years.
- vii. The study leave may be granted more than once, provided, that not less than five years have elapsed after the teacher/returned to duty on completion of the earlier

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spell of study leave. For subsequent spell of study leave, the teacher shall indicate the work done during the period of earlier leave as also give details of work to be done during the proposed spell of study leave.

- viii. No teacher who has been granted study leave shall be permitted to alter substantially the course of study or the programme of research without the permission of the Executive Council, in the event the course of study falls short of study leave sanctioned, the teacher shall resume duty on the conclusion of the course of study unless the previous approval of the Executive Council to treat the period of shortfall as Extra-Ordinary leave has been obtained.
- ix. Subject to the maximum period of absence from duty, on leave not exceeding three years, the study leave may be combined with the earned leave, half-pay leave, extra-ordinary leave of vacation provided that the earned leave at the credit of the teacher shall be availed of at the discretion of the teacher. When the study leave is taken in continuation of vacation, the period of study leave shall be deemed to begin to run on the expiry of the vacation. A teacher, who is selected to a higher post during the study leave, shall be placed in that position and shall get the higher scale only after joining the post.
- x. The period of study leave shall count as service for purpose of the retirement benefits (pension/contributory provident fund), provided that the teacher rejoins the University/College/Institution on the expiry of his/her study leave, and serve the institution for the period for which the Bond has been executed.
- xi. The study leave granted to a teacher shall be deemed to have been cancelled in case it is not availed of within 12 months of its sanction, provided, that where the study leave granted has been so cancelled. The teacher may apply again for such leave.
- xii. A teacher availing himself/herself of the study leave, shall undertake that he/she shall serve the University/College/Institution for a continuous period of at least three years to be calculated from the date of his/her resuming duty on the expiry of the study leave.
- xiii. A teacher –
 - (a) who is unable to complete his/her studies within the period of study leave granted to him/her or
 - (b) who fails to rejoin the services of the University on the expiry of his/her study leave or
 - (c) who rejoins the service of the university but leaves the service without completing the prescribed period of service after rejoining the service or
 - (d) who, within the said period, is dismissed or removed from the service by the University shall be liable to refund, to the University/College/Institution, the amount of the leave salary and allowances and other expenses, incurred on the teacher or paid to him/her or on his/her behalf in connection with the course of study.

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Explanation:

If a teacher asks for extension of the study leave and is not granted the extension but does not rejoin duty on the expiry of the leave originally sanctioned, he/she shall be deemed to have failed to rejoin the service on the expiry of his/her leave for the purpose of recovery of dues under these Regulations.

Notwithstanding the above provision, the Executive Council may order that nothing in these Regulations shall apply to a teacher who, within three years of return to duty from study leave is permitted to retire from service on medical grounds, provided further that the Executive Council may, in any other exceptional case, waive or reduce, for reasons to be recorded the amount refundable by a teacher under these Regulations.

- xiv. After the leave has been sanctioned, the teacher shall, before availing himself/herself of the leave, execute a bond in favour of the University/College/Institution, binding himself/herself for the due fulfillment of the conditions laid down in paragraph (x) to (xiii) above and give security of immovable property to the satisfaction of the Finance Officer/Treasurer or a fidelity bond of an insurance company or a guarantee by a scheduled bank or furnish security of two permanent teachers for the amount which might become refundable to the University/College/Institutions in accordance with paragraph (x) to (xiii) above.
- xv. The teacher on study leave shall submit to the Registrar/Principal of his/her parent University/College/Institution six-monthly reports of progress in his/her studies from his/her supervisor or the Head of the institution. Such report shall reach the Registrar/Principal within one month of the expiry of every six months of the period of the study leave. If the report does not reach the Registrar/Principal within the specified time, the payment of leave salary may be deferred till the receipt of such report.
- xvi. The teacher on leave shall submit a comprehensive report on the completion of the study leave period. A copy of the research document/ monograph/ academic paper produced during the period of the study leave shall be put in the public domain, preferably on the website of the University/College/Institution.
- xvii. With a view to enhancing the knowledge and skills of the faculty members, especially the junior faculty, at the level of Assistant Professor, the Heads of universities/Colleges/Institutions and their subordinate Departments are enjoined to be generous in the award of study leave in the interest of faculty improvement, thereby impacting the academic standards of the University/College/Institution in the long run.

20. Sabbatical Leave

- i. The permanent, whole-time teachers of the university and colleges who have completed seven years' of service as a Reader/Associate Professor or a Professor may be granted sabbatical leave to undertake study or research or any other academic pursuit solely for the object of increasing their proficiency and usefulness

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to the university and higher education system. The duration of leave shall not exceed one year, at a time, and two years in the entire career of the teacher.

- ii. A teacher, who has availed himself/herself of study leave, would not be entitled to the sabbatical leave, until after the expiry of five years from the date of the teacher's return from previous study leave or any other kind of training programme of duration of one year or more.
- iii. A teacher shall, during the period of sabbatical leave, be paid full pay and allowances (subject to the prescribed conditions being fulfilled) at the rates applicable to him/her immediately prior to his/her proceeding on sabbatical leave.
- iv. A teacher on sabbatical leave shall not take up, during the period of that leave, any regular appointment under another organisation in India or abroad. He/she may, however, be allowed to accept a fellowship or a research scholarship or ad hoc teaching and research assignment with honorarium or any other form of assistance, other than the regular employment in an institution of advanced studies, provided that in such cases the Executive Council may, if it so desires, sanction the sabbatical leave on reduced pay and allowances.
- v. During the period of sabbatical leave, the teacher shall be allowed to draw the increment on the due date. The period of leave shall also count as service for purposes of pension/contributory provident fund, provided that the teacher rejoins the university on the expiry of his/her leave.

21. Casual Leave

- i. The total casual leave granted to a teacher shall not exceed twelve days in an academic year.
- ii. Casual leave cannot be combined with any other kind of leave except special casual leave. However, such casual leave may be combined with holidays including Sundays. Holidays or Sundays falling within the period of casual leave shall not be counted as casual leave.
- iii. An Employee going on such leave is entitled to full pay including work and conveyance during the period of such leave.
- iv. Holidays and Sunday falling within the period of casual leave will not be counted as casual leave.
- v. Employee should attend his/her duty at least half of their working hours continuously in case of Half Casual Leave.
- vi. Casual Leave cannot be accumulated and leave not availed of during any particular calendar year shall lapse at the end of that year.

22. Special Casual Leave

- i. Special casual leave, not exceeding 10 days in an academic year, may be granted to a teacher:
 - (a) To conduct examination of a university/Public Service Commission/Board of Examination or any other similar body/institution; and
 - (b) To inspect academic institutions attached to a statutory board.

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- ii. In computing the 10 days' leave admissible, the days of actual journey, if any, to and from the places where activities specified above, take place, will be excluded.
- iii. In addition, special casual leave to the extent mentioned below, may also be granted;
 - (a) To undergo sterilization operation (vasectomy or salpingectomy) under family welfare programme. Leave in this case shall be restricted to six working days; and
 - (b) To a female teacher who undergoes non-puerperal sterilization. Leave in this case shall be restricted to 14 days.
- iv. The special casual leave shall not accumulate, nor can it be combined with any other kind of leave except the casual leave. It may be granted in combination with holidays or vacation by the sanctioning authority on each occasion.

23. Earned Leave

- i. Earned leave admissible to a teacher shall be:
 - (a) 1/3rd of the period, if any, during which he/she is required to perform duty during the vacation.

For purposes of computation of the period of actual service, all periods' of leave except casual, special casual, and duty leave, shall be excluded.
- ii. Earned leave at the credit of a teacher shall not accumulate beyond 300 days. The maximum period of earned leave that may be sanctioned at a time shall not exceed 60 days. Earned leave exceeding 60 days may, however, be sanctioned in the case of higher study, or training, or leave with medical certificate, or when the entire leave, or a portion thereof, is spent outside India.
- iii. For removal of doubt, it may be clarified :
 - (a) When a teacher combines vacation with earned leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.
 - (b) In case where only a portion of the leave is spent outside India, the grant of leave in excess of 120 days shall be subject to the condition that the portion of the leave spent in India shall not, in the aggregate, exceed 120 days.
 - (c) Encashment of earned leave shall be allowed to members of the teaching staff as applicable to the employees of the State Government.

24. Half-pay Leave

- i. Half-pay leave may be sanctioned for a period of 20 days to a permanent teacher for each completed year of service. Such leave may be granted on the basis of a medical certificate from a registered medical practitioner, for any private affairs or for any academic purpose.

Explanation:

A "completed year of service" means the continuous service of a specified duration under the university, and includes the periods of absence from duty as well as leave, including the extraordinary leave.

Note : Half-pay leave shall be combined with earned leave for calculating the number of earned leaves in case the number of earned leaves are less than 300 for

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purpose of encashment of leave at the time of superannuation as applicable to the employees of Government of India/State Government.

25. Commuted Leave

- i. Commuted leave, not exceeding half the amount of half-pay leave due, may be granted to a permanent teacher on the basis of medical certificate from a registered medical practitioner subject to the following conditions:
 - (a) Commuted leave during the entire service shall be limited to a maximum of 240 days;
 - (b) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave account; and
 - (c) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days, at a time;

Provided that no commuted leave shall be granted under these Regulations, unless the authority competent to sanction leave has reason to believe that the teacher would return to duty on its expiry.

26. Extraordinary Leave

- i. A permanent teacher may be granted extraordinary leave when:
 - (a) No other leave is admissible; or
 - (b) Other leave is admissible and the teacher applies in writing for the grant of extraordinary leave.
- ii. The extraordinary leave shall always be without pay and allowances. It shall not count for an increment except in the following cases:
 - (a) Leave taken on the basis of medical certificates;
 - (b) Cases where the Vice-Chancellor/Principal is satisfied that the leave was taken due to causes beyond the control of the teacher, such as inability to join or rejoin duty due to civil commotion or a natural calamity, and the teacher has no other kind of leave to his credit;
 - (c) Leave taken for pursuing higher studies; and
 - (d) Leave granted to accept an invitation to a teaching post or fellowship or research-cum- teaching post or on assignment for technical or academic work of importance.
- iii. Extraordinary leave may be combined with any other leave except the casual leave and special casual leave, provided that the total period of continuous absence from duty on leave (including periods of vacation when such vacation is taken in conjunction with leave) shall not exceed three years, except in cases where the leave is taken on medical certificate. The total period of absence from duty shall in no case, exceed five years in the entire service period of the individual.
- iv. The authority empowered to grant leave may commute retrospectively the periods of absence without the leave into extraordinary leave.

27. 'Leave Not Due'

- i. 'Leave not due', may, at the discretion of the Vice-Chancellor/Principal, be granted to a permanent teacher for a period not exceeding 360 days during the entire period

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of service, out of which not more than 90 days at a time and 180 days, in all, may be otherwise than on a medical certificate. Such leave shall be debited against the half-pay leave earned by him/her subsequently.

- ii. 'Leave not due' shall not be granted, unless the Vice-Chancellor/Principal is satisfied that as far as can reasonably be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.
- iii. A teacher to whom 'leave not due' is granted shall not be permitted to tender his/her resignation from service so long as the debit balance in his/her leave account is not wiped off by active service, or he/she refunds the amount paid to him/her as pay and allowances for the period not so earned. In a case where retirement is unavoidable on account of reason of ill-health, incapacitating the teacher for further service, refund of leave salary for the period of leave yet to be earned may be waived by the Executive Council/College Governing Body.

Provided that the Executive Council/College Governing Body may waive off, in any other exceptional case, for reasons to be recorded in writing, the refund of leave salary for the period of leave yet to be earned.

28. Maternity Leave

- i. Maternity leave on full pay may be granted to a woman teacher for a period not exceeding 180 days, to be availed of twice in the entire career. Maternity leave may also be granted in case of miscarriage, including abortion, subject to the condition that the total leave granted in respect of this to a woman teacher in her career is not more than 45 days, and the application for leave is supported by a medical certificate.
- ii. Maternity leave may be combined with any earned leave, half-pay leave or extraordinary leave, but any leave applied for in continuation of the maternity leave may be granted if the request is supported by a medical certificate.

29. Paternity Leave

- i. Paternity leave of 15 days may be granted to male teachers during the confinement of their wife, and such leave shall be granted only up to two children.

30. Adoption leave

- i. Adoption leave may be provided as per the rules of the Government of Gujarat.

31. Surrogacy leave

- i. Leave for Surrogacy shall be applicable as per the Rules, Regulations and Norms as laid down by the Government of Gujarat.

32. Miscellaneous

- i. The other conditions of leave or any matter which are not covered above shall be as prescribed by the University Grants Commission/Government of Gujarat and University from time to time.
- ii. In case of any dispute or discrepancy regarding interpretation of any matter under these rules, the decision of the Vice Chancellor of IITE shall be final and binding.

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