

Draft BYE-LAWS OF THE INSTITUTE 2022

1. Short title, extent and commencement-
 1. These bye-laws are called the “*Name of Institute*” Bye-laws, 2022.
 2. They shall be applicable to the “*Name of Institute*”.
 3. These bye-laws shall come into force from such date on which the Government by notification directs.

2. Definitions.-In these Bye-laws unless the context otherwise requires,-
 1. “Teaching Staff” means any member of the Staff who is wholly engaged in the Teaching, Clinical work and Research Programs.
 - 2.
 3. “Non teaching staff” means staff other than teaching staff who are providing medical services and other health care related services.
 - 4.
 5. “Ministerial staff” means staff other than teaching and non teaching staff.
 6. “Academic Staff” means any member of the Teaching Staff who is wholly engaged in the Teaching, Clinical work and Research Programs or other teaching related assigned duties.

 7. “Board of Appointment” means
 - a)Karnataka Government in respect of the first Director and Dean, Chief Administrative Officer, Chief Accounts Officer cum Financial Advisor/Accounts officer and other gazetted officers.
 - b)Governing Council in respect of the subsequent Dean/Director
 - c)Board of Appointment in respect of the Principal, Medical Superintendents, Group A & B posts
 - d)The Board of Appointment shall comprise of the Chairman and Vice Chairman of the Governing Council and the Dean and Director of the Institute.
 - e)Director and Dean of the Institute for all Group ‘C’ and ‘D’ posts.

 8. “Chairman” means the Chairman of the Governing Council, the Standing committee and Sub Committees as the case may be in the Institute.
 9. “Controlling authority” means the Authority as defined under the Rules and Regulations of the Institute.
 10. “Director” means Director and Dean of the Institute.
 11. “Employee” means any person in the service of the Institute working in any cadre or any post.
 12. “Governing Council” means the Governing Council of the Institute.
 13. Group ‘A’, Group ‘B’, Group ‘C’ and Group ‘D’ posts in the Institute shall correspond to the classification of the posts vide rule 5 of Karnataka Civil Services Rules (Classification, Control and Appeal) Rules, 1957.
 14. “Head of the Department” means the Teaching Heads of various Departments of the Institute.
 15. “Institute” means the *Name of Institute*, and other establishment attached to it.
 16. “Rules” means the rules framed under the bye-laws of the Institute.
 17. “Calendar Year” means the year commencing from 1st January to 31st of December of the particular year and "Financial Year" means the year from 1stApril of the year and ending on 31st March of the succeeding year.
 18. Scale of pay for teaching staff.-Scales of pay of teaching staff and any other special allowances shall be those, as sanctioned by the State Government from time to time.
 19. Scale of pay for non-teaching staff :- Pay and allowances shall be on par with the pay and allowances of employees in the equivalent cadre in the Department of Health and Family Welfare, Government of Karnataka.

20. Employees to be whole time employees:-Unless the context otherwise provided, an employee of the Institute shall be whole time employee of the Institute, who has been appointed on regular basis in accordance with the rules/byelaws of the Institute. He shall attend whole time duties as assigned to him and other additional duties entrusted by the authority concerned.
3. Probation.-
1. Every employee appointed by the Institute by direct recruitment shall be on probation for two years. This condition shall not be applicable to the officials who have undergone probation while in Government service in an equivalent post and such probation has been declared to have been satisfactorily completed.
 2. During the period of Probation the employee shall be required to put in satisfactory service failing which his/her services shall be liable for discharge at any time without any prior notice by the Appointing Authority.
 3. The period of Probation may for reasons to be recorded in writing, be extended by the Appointing Authority.
 4. Provided that in respect of matters not covered under this rule, the provisions contained in the Karnataka Civil Services (Probation) Rules, 1977 shall be applicable *mutatis mutandis*.
4. Disciplinary Action against any employee may be taken at any time after duly following the procedures laid down in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
5. Retirement: The provisions of Karnataka Civil Service Rules (KCSR) relating to retirement including compulsory retirement, voluntary retirement, retirement on superannuation and retirement on invalid grounds shall apply to the regular employees of the Institute.
6. Duties- Every employee shall perform his duties to the best of his ability and carry out the duties assigned to him by the Dean and Director or any other concerned authority. The Medical personnel working in the Institute shall follow professional ethics maintain dignity and decorum in the Institute and render devoted service to the patients besides their teaching responsibilities. The provisions of the Karnataka Civil Services (Conduct) Rules, 1966 shall *muttatis muttandies* apply to the employees of the Institute.
7. Permanent, temporary posts: Contractual appointments can be done against the sanctioned posts only. Appointment shall be only for a period of 11 months at time. The administrative posts like CAO/FA/AAO/AO shall only be taken on contract basis only after prior approval from the government.
8. Method of recruitment and minimum qualifications for appointment-
1. The categories of posts, their scale of pay, their number, method of recruitment and minimum qualifications for appointment to all the posts shall be as specified in the cadre & recruitment rules.
 2. The age limit and other conditions of appointment in the larger interests of the Institute shall be subject to the terms and conditions of the Medical Council of India, and as per Minimum Qualification for teachers in Medical Institutions Regulations, 1998 and subsequent amendments thereof subject to the rules/orders of the State Government.
 3. Under no circumstances, for any posts the minimum qualification prescribed shall be relaxed.
 4. While making recruitments/promotion to any posts, the rules of reservation for persons belonging to the Scheduled Castes or Scheduled Tribes and Other Backward Classes as made from time to time by the State Government shall be followed.

5. No person who does not possess the Medical qualification shall be appointed to the posts of Dean and Director, Principal, Medical Superintendent and Professor and Head of the Department.
 6. Director cum Dean, Principal, Medical Superintendent, Head of the Department, Professors, Associate Professors, Assistant Professors, Senior/Junior residents and Tutors shall be appointed as per the minimum qualification/experience prescribed in the C & R Rules, and NMC – TEQ minimum mandatory requirements, as and when applicable.
 7. Appointment in case of in-charge arrangement: An appointment on incharge basis shall be as per the minimum eligibility criteria prescribed for that post for a maximum period of six months only.
9. Constitution of selection committees for recruitments-
The Selection Committees members for the various posts are as follows, namely:
1. For the Post of Director cum Dean:
 - a) Minister in-charge of Medical Education (Chairman)
 - b) The Secretary to Government, Health and Family Welfare Department in-charge of Medical Education. (Vice-Chairman)
 - c) Vice Chancellor, Rajiv Gandhi University of Health Sciences
 - d) Director of Medical Education
 - e) Representative from the Social Welfare Department not below the rank of Under-Secretary.
 - f) Chief Administrative Officer (CAO) of the Institute/ CAO of DME in case of First Director & Dean (Member Secretary)
 2. Principal/Medical Superintendents:
 - a) The Secretary to Government, Health and Family Welfare Department in-charge of Medical Education (Chairman)
 - b) The Director of Medical Education (Vice-Chairman)
 - c) The Registrar, Rajiv Gandhi University of Health Sciences.
 - d) The Deputy Secretary, Health and Family Welfare Department in-charge of Medical Education.
 - e) The Director cum Dean of the Institute.
 - f) One Representative from the Social Welfare Department not below the rank of under-secretary. (Special Invitee)
 - g) Chief Administrative Officer (CAO) of the Institute (Member Secretary).
 3. Professors / Associate Professors /Assistant Professors:
 - a) The Secretary to Government, Health and Family Welfare Department in-charge of Medical Education (Chairman)
 - b) The Director of Medical Education (Vice-Chairman) or his nominee not below the rank of Deputy Director.
 - c) The Registrar, Rajiv Gandhi University of Health Sciences or his nominee not below the rank of Deputy Registrar.
 - d) The Deputy Secretary, Health and Family Welfare Department in-charge of Medical Education.
 - e) The Director cum Dean of the Institute.
 - f) The Head of Department of the Respective Department.
 - g) One Representative from the Social Welfare Department not below the rank of under-secretary. (Special Invitee)
 - h) Chief Administrative Officer (CAO) of the Institute (Member Secretary).
 4. Non-Teaching (Senior Residents and Tutors):
 - a) The Director of Medical Education (Chairman)
 - b) The Registrar, Rajiv Gandhi University of Health Sciences or his nominee not below the rank of Deputy Registrar.

- c) The Deputy Secretary, Health and Family Welfare Department in-charge of Medical Education.
 - d) The Director cum Dean of the Institute.
 - e) The Head of Department of the Respective Department.
 - f) One Representative from the Social Welfare Department not below the rank of Under-Secretary. (Special Invitee)
 - g) Chief Administrative Officer (CAO) of the Institute (Member Secretary).
5. Non-Teaching (Jr. Residents):
- a) The Director cum Dean of the Institute.
 - b) The Principal of the Institute.
 - c) The Head of Department of the Respective Department.
 - d) The Joint Director of Medical Education or his nominee not below the rank Deputy Director of Medical Education.
 - e) One Representative from the Social Welfare Department not below the rank of Under-Secretary (Special Invitee).
 - f) The Chief Administrative Officer (CAO) of the Institute (Member Secretary)
6. All other posts [Non-teaching (Ministerial and technical) Group 'B' 'C' and 'D']
- a) The Director cum Dean of the Institute.
 - b) The Principal of the Institute.
 - c) The Head of Department of the Respective Department.
 - d) The Joint Director of Medical Education or his nominee not below the rank Deputy Director of Medical Education.
 - e) One Representative from the Social Welfare Department not below the rank of Under-Secretary (Special Invitee).
 - f) The Chief Administrative Officer (CAO) of the Institute (Member Secretary).
10. Method of Recruitment: Either by Promotion or by Direct recruitment or by deputation within department of medical education or on contract basis as per C & R Rules/ Bye-Laws of the Institute.
11. Procedure for direct recruitment:
1. The Institute shall take necessary steps to invite application from all eligible candidates by advertising the vacancies in the institutional website specifying the conditions of eligibility, method of selection applicable, provisional number of vacancies to be filled and their classification according to reservation policy of the state.
 2. An abstract of such advertisement shall also be published in more than one widely circulated newspaper in the regional language and such other media of publication as it may deem fit.
 3. The Selection Committee shall verify the credentials of all the persons to be considered for the appointment.
 4. The Selection Committee shall prepare a panel of names in the order of merit, subject to the reservation policy of the State and recommend the names for appointment to the Board of appointment.
 5. The Selection Committee may also prepare an additional list from amongst eligible candidates, excluding those in the final list. The candidates in the additional list shall be appointed only to the extent where the candidate in the main list who have been issued with order of appointment do not report for duty within the stipulated time.
 6. In respect of posts to be filled by promotion, shall be filled by seniority cum merit, only after complying with National Medical Commission (NMC) norms
12. Method of selection.- The method of selection shall be on the basis of merit. The merit is assessed on the basis of the performance of the candidates and the marks obtained in the interview, as detailed below.
1. For Director's Post:

Eligibility:- A candidate shall possess minimum of 10 years of regular qualifying Teaching experience along with other eligibility criteria mentioned in C & R Rules, in any of the recognised Medical colleges . Out of which a minimum 5 years as a Professor in the same medical college.

2. Merit will be decided as follows: *Maximum Marks : 10.*
 3. Publication of Original research articles over and above MCI requirements in indexed journals as First or Corresponding author -1/2 mark per publication to maximum of 3 marks.
 4. Additional experience as Professor than the minimum required for the post - ½ mark for each completed year subject to a maximum of 3 marks.
 5. If holding a patent in his/her name for innovation in field of allopathic medicine-1 mark.
 6. Administrative Experience for having worked as Medical Superintendent / HOD / JDME / DDME, Registrar/ Deputy Registrar - RGUHS - ½ mark for each completed year of services to a maximum of – 3 marks.
13. For Selection of Professor/Associate Professors/Assistant Professors:
1. Merit will be decided as follows: *Maximum Marks: 10.*
 2. Publication of Original research articles over and above NMC requirements in indexed journals as First or Corresponding author -1/2 mark per publication to maximum of 4 marks.
 3. Additional teaching experience more than minimum required for the post - ½ mark for each year subject to a maximum of 3 marks.
 4. State / Central University topper / Gold medalist at UG/PG level - 2 mark (where more than 5 candidates have appeared in the annual examination).
 5. If holding a patent in his/her name for innovation in field of allopathic medicine-1 mark
14. For Senior Residents and Tutors: As per NMC norms.
15. For Junior Residents:
1. Shall be from compulsory service deputed from DME/HFW
 2. In case not deputed as part of compulsory service then the method of Recruitment shall be on the basis of merit among the preferred candidates.
 3. The merit list shall be prepared by taking aggregate marks obtained in all years of the Qualifying Examination.
 4. A person with postgraduate degree shall be preferred over a PG Diploma/MBBS/MSC (Medical) Graduate.
 5. If a person with postgraduate medical degree is not available, then a post graduate medical diploma graduate shall be preferred.
 6. If a person with postgraduate Medical Degree or Diploma is not available, then a MBBS Graduate shall be considered.
 7. If a person with Medical PG Degree/Diploma or MBBS qualification is not available then M.Sc. (Medical) graduate shall be considered (subject NMC norms).
16. For Group 'C' and 'D' Ministerial Staff (Non-Teaching Staff):
1. The method of selection for Group 'C' and 'D' Ministerial posts shall be as per the provisions of the Karnataka Civil Services (Recruitment to Ministerial posts) Rules, 1978 and for other Group C posts the Karnataka Civil Services (Recruitment of Group-A, Group-B, Group-C and Group-D posts) by Competitive Examination and Selection (General) Rules, 2006.

Provided that if two or more candidates secure equal marks, then preference for selection of the candidates shall be given in the following order, namely:-

- a)Who has higher qualification than required.

- b) Who has more experience than required.
 - c) The person older in age shall be placed higher in the merit.
17. Method of recruitment for Non-teaching Technical Staff: The method of recruitment for the post non teaching technical staff shall be on the basis of merit determined by marks obtained by competitive examination conducted for the purpose of Recruitment. or directions from Government from time to time.
18. Promotion to higher post-
- 1) Subject to the provisions of the recruitment rules of the Institute and in case where the C& R Rules of the Institute provide for promotion to a post, such post shall be filled by promotion on the basis of seniority cum merit from among the qualified members of the staff. The Appointing Authority shall consider the names of members of the staff recommended for promotion by a review committee.
 - 2) The Review Committee for teaching staff shall consist of the following members, namely: -
 - a) The Secretary to Government, Health and Family Welfare Department in-charge of Medical Education (Chairman)
 - b) The Director of Medical Education (Vice-Chairman) or his nominee not below the rank of Deputy Director.
 - c) The Registrar, Rajiv Gandhi University of Health Sciences or his nominee not below the rank of Deputy Registrar.
 - d) The Deputy Secretary, Health and Family Welfare Department (Medical Education).
 - e) The Director cum Dean of the Institute.
 - f) The Principal of the Institute.
 - g) Chief Administrative Officer (CAO) of the Institute (Member Secretary).
 - 3) The Review Committee for Non-Teaching staff shall consist of the following members, namely:
 - a. The Director of the Institute.
 - b. The Principal of the Institute.
 - c. The Medical Superintendent of the Concerned hospital.
 - d. The Chief Administrative Officer of the Institute.
19. Deputation or permission to visit, work and study outside the Institute- The Director may depute members of the academic staff and other staff to any place outside the Institute but within India for the work of the Institute or for any other specified purpose. If the period of deputation exceeds 3 months and if it is to any place outside the country, approval of the Governing Council shall be obtained.
20. Deputation for higher studies in broad specialties of MD/ MS /MDS: If any of the permanent employees of the institute with MBBS/ BDS qualification are selected for master degree after qualifying in NEET exam, such employee may be sent on deputation by the appointing authority for higher studies, provided the institutional head certifies that the specialty chosen by the employee is required for the discharge of his/her duties in that particular Institute, with the following conditions:
- a) Probationary period must have been declared.
 - b) Completed a minimum of 5 years of service.
 - c) Qualified in NEET exam of that particular year.
 - d) Non-Practicing allowance is not admissible during deputation to PG studies.
 - e) If they fail to complete & successfully pass the Postgraduate exam after the completion of the term in the next one year, all fees, salary & other remunerations received during the period of Deputation, shall be recovered.
 - f) The deputation of Candidates for postgraduate higher studies is subject to 5% of the sanctioned cadre the notification issued by the government from time to time.

- g) The Fees payable by the institute shall be equivalent of the fees fixed for government seat in government college. Anything over and above shall be borne by the candidate himself.
 - h) The Institute shall take an undertaking/bond (as annexure) from such candidate before issuing the NOC for higher studies.
 - i) The Deputation for higher studies shall be given only once in his entire service.
21. Deputation for higher studies in Super specialties in DM./ MCh: If any of the permanent employees of the institute with MD/MS qualification are selected for Super specialty studies in any subject after qualifying in NEET exam, such employee may be sent on deputation by appointing authority for higher studies, provided the institutional head certifies that the specialty chosen by the employee is required for the discharge of his/her duties in that particular Institute, with the following conditions. However, the permanent employees are not eligible for second deputation.
- 1. Probationary period must have been declared.
 - 2. Completed a minimum of 3 years of service.
 - 3. Only Assistant Professors are eligible for deputation to Super specialty DM. / MCh. higher studies.
 - 4. Must have Qualified in NEET SS exam of that particular year.
 - 5. Period spent during PG Super specialty studies will not be considered as teaching experience for the purpose of promotion to higher post or time bond advancement in the broad specialty from where the candidate was deputed for super specialty studies.
 - 6. Upon completion of super specialty studies, if the Government desires, he/she may be deputed or transferred to any super specialty department of Govt. autonomous teaching institution.
 - 7. The experience gained during such deputation or transfer will be considered as valid experience for the purpose of promotion to higher posts in super specialty Department.
 - 8. The deputation of Candidates for postgraduate higher studies is subject to 5% of the sanctioned cadre the notification issued by the government from time to time.
 - 9. The Fees payable by the institute shall be equivalent of the fees fixed for government seat in government college. Anything over and above shall be borne by the candidate himself.
 - 10. The Institute shall take an undertaking/bond (as annexure) from such candidate before issuing the NOC for higher studies.
 - 11. Deputation for higher studies shall be given only once in his entire service.
 - 12. Non Practicing allowance is not admissible during deputation to PG super specialty studies.
 - 13. If the candidate fail to complete & / or successfully pass the super specialty examination after the completion of the term, in the next three years, all salary & other remunerations received for that period shall be recovered from him/her.
 - 14. The deputation of Candidates for super specialty higher studies is subject to the notification issued by the Government from time to time.
22. Provident Fund, Pension and Gratuity benefits - The Governing Council with the approval of the State Government shall frame separate rules to govern the service conditions and other related Rules like, NPS, introduction of Contributory Provident Fund in lieu of pension and other retirement benefits on par with the State Government Employees.

23. Disciplinary proceedings – The Board of Appointment in respect of the Dean/Director, the Principal, Medical Superintendents, & Group A. The Director and Dean of the Institute for all Group 'B' 'C' and 'D' posts.

24. Seniority.-

1. The Director cum Dean of the Institute shall prepare and maintain a gradation list in respect of each of the categories of employees and publish the same on the 1st of January every year.
2. The seniority of the employees in each category shall be determined by order of merit in which they were selected for appointment to the cadre in question. It shall be subject wise in respect of teaching cadres. In respect of non-teaching staff, cadre wise seniority list shall be prepared and published.
3. Where two persons are appointed on the same date, the seniority between them shall be determined as follows, namely:-
4. A member appointed by promotion shall be senior to a member appointed by direct recruitment.
5. In case of members appointed by promotion, seniority shall be determined according to the seniority of such members in the cadres from which they were promoted.
6. In case of Members appointed by promotion from different cadres, then the member who is on a higher scale of pay shall be senior to those in lower scales.
7. In case of any dispute regarding the seniority, the decision of the appellate authority in respect of concerned cadre shall be final.

~~25.~~ Superannuation.-The age of superannuation in respect of all the permanent employees of the Institute shall be 60 years or as defined by Government from time to time.

26. Interpretation. - In case of any doubt or difficulty in understanding the clauses of the bye-laws, the Governing Council shall be competent to interpret and decide. The decision of the Governing Council shall be final and binding on the employees.

27. Application of other provisions.- (1) The provisions of the following rules shall mutatis mutandis apply to the employees of the Institution:

(1) The Karnataka Civil Services (Probation) Rules 1977.

(2) The Karnataka Civil Services (Conduct) Rules 1966.

(3) The Karnataka Civil Services (Performance Reports) Rules, 2000.

(4) Karnataka Civil Services Rules.

(5) All other rules regulating the conditions of service of employees in so far as they are not inconsistent with the provisions of these rules shall mutatis mutandis apply.

28. REPEAL AND SAVINGS : The Bye-laws of name of Institute are hereby repealed. Provided that any order issued, any appointment made, anything done or any action taken under the provisions of any of the repealed byelaws shall be deemed to have been issued, made, done or taken under the provisions of these byelaws and shall, until altered or cancelled, continue to be in force. However, this bye laws shall prevail over the repealed bye laws in all matters of dispute.

SCHEDULE-I

SI. NO.	Class of Posts	Authority empowered to appoint	Authority empowered to impose penalties and penalties which he may impose		Appellate Authority
			Authority	Penalties KCS (CCA) Rules, 1957	
1	2	3	4	5	6
1.	Director cum Dean	Board Of appointment	Board Of appointment	Rule 8 clauses (ii) (iii), (iv) to (viii)	Governing Council
2.	Professor, Associate Professor, Assistant Professor,	Board Of appointment	Board Of appointment	Rule 8 Clauses (ii) (iii), (iiia), (iv) to (viii)	Governing Council
3.	Senior Residents, Tutors, Junior Residents	Director	Director	Rule 8 Clauses (ii) to (viii)	Director of Medical Education
4.	Group-C employees	Director	Director	Rule 8 clauses (ii), (iii), (iv) to (viii)	Director of Medical Education
5.	Group-D employees	Director	Director	Rule 8 clauses (I, (ii), (iv), (v) to (viii)	Director of Medical Education