

THE UNIVERSITIES ACT, NO. 16 OF 1978 ORDINANCE UNDER SECTION 18(2) (C) PROCEDURE FOR APPOINTMENT

1. This ordinance may be cited as the Procedure for Appointment Ordinance No of 198, and shall come into operation on March, 198...
2. Except with the prior written permission of the Commission, no appointment to a post shall be made in contravention of the scheme of recruitment specified for that post.
3. Such procedures for appointment as were in operation in the old University and as are inconsistent with the provisions of this Ordinance are hereby rescinded.
4. Subject to such general written instructions or directions as may from time to time be given by or on behalf of the Government in pursuance of national policy in regard to the procedure to be followed in recruiting personnel, no post shall be filled except after advertisement.

Provided however that where the scheme of recruitment for a particular grade or class of post permits the promotion of an employee to such grade or class of post on completing a specified period of service on the maximum step of the salary scale of the next lower grade or class of post or on satisfying such other specified condition or conditions, an employee who has completed such period of service or satisfied such other condition or conditions, as the case may be, may be promoted to such grade or class of post without it being advertised.

5. Where the procedure for appointment to ap post under the old University was such that, that post shall have been advertised, in the first instance, within that University, such post shall in future be simultaneously advertised, in the first instance, within the office of the Commission and each Higher Educational Institution including any Institute attached thereto.
6. **(1)** Subject to the provisions of Part x of the act, every appointment to a post of Professor or Librarian in the Open University of Sri Lanka shall be made by its governing authority upon the recommendation of a Selection committee consisting of the following persons.
 - (a) the principal executive officer, who shall be the Chairman;
 - (b) the Dean of the appropriate faculty of any University in Sri Lanka appointed by the Commission;
 - (c) two persons appointed by the commission; and
 - (d) there members of whom two shall be from among those appointed by the Commission, nominated by the governing authority from among its members.

(2) Subject to the provisions of Part x of the Act, every appointment to a post of Professor or Librarian in any other Higher Educational Institution shall be made by the governing authority of that Higher Educational Institution upon the recommendation of a selection Committee which shall consist or the following persons:

- (a) the principal executive officer, who shall be the Chairman;
- (b) the Dean of the Faculty concerned in the case of a post of Professor or the dean of a Faculty nominated by the senate in the case of a post of Librarian;

- (c) The Head of the department of Study concerned; Provided that where the Head of the department of study concerned is himself an applicant for the post, or where the department of Study concerned has no permanent Head, the senate or the academic Syndicate, as the case may be, shall appoint from among its members a member with a knowledge of the subject of study concerned, in lieu of such Head of Department.
- (d) Two persons appointed by the Commission;
- (e) Two members appointed by the governing authority from among its members who have been appointed by the commission;
- (f) Two members with a knowledge of the subject of study concerned appointed by the Senate or the academic Syndicate, as the case may be, from among its members; and
- (g) Where the post is in a University College , one member appointed by the Vice-Chancellor of the University to which such University College has been affiliated from among the members of the appropriate Faculty of such University.

7. (1) Subject to the provision of Part x of the Act, every appointment to a post of teacher, other than that of Professor or Librarian, in the Open University of Sri Lanka shall be made by its governing authority upon the recommendation of a Selection committee which shall consist of the following members ;

- (a) the principal executive officer, who shall be the Chairman;
- (b) The dean of the appropriate Faculty of any University in Sri Lanka appointed by the Commission; and
- (c) Four members of whom at least two shall be from those appointed by the Commission, nominated by the governing authority from among its members.

(2) Subject to the provisions of Part x of the Act, every appointment to a post of teacher, other than that of Professor or Librarian in any other Higher Educational Institution, shall be made by its governing authority upon the recommendation of a Selection committee which shall consist of the following members :-

- (a) the principal executive officer, who shall be the Chairman;
- (b) the Dean of the Faculty concerned'
- (c) the Head of the department of Study concerned; Provided that where the Head of the Department of Study concerned is himself an applicant for the post, or where the department of Study concerned has no permanent Head, the senate of the Academic Syndicate, as the case may be'; shall appoint from among its members a member with a knowledge of the subject of study concerned, in lieu of such Head of Department;
- (d) two members appointed by the governing authority from among its members who have been appointed by the Commission;
- (e) one member with a knowledge of the subject of study concerned appointed by the Senate or the academic Syndicate, as the case may be, from among its members; and
- (f) where the post is in a University College , one member appointed by the Vice-Chancellor of the University to which such University College has been affiliated from among the members of the appropriate Faculty of such University.

8. (a) The provisions of paragraph 6(1) shall, mutatis mutandis , apply to an in relation to very merit promotion to a post of teacher in the Open University of Sri Lanka.

(b) The provisions of paragraph 6 (2) shall, mutatis mutandis, apply to and in relation to every merit promotion to a post of teacher in any other Higher Educational Institution.

9. (a) The provisions of paragraph 7 (1) shall, mutatis mutandis , apply to an in relation to every promotion, other than a merit promotion to a post of teacher in the Open University of Sri Lanka .
(b) The provisions of paragraph 9 &2) shall mutatis mutandis, apply to and in relation to every promotion, other than a merit promotion to a post of teacher in any other Higher Educational Institution.
10. **(1)** Every appointment to the post of secretary of the Commission under Section 8 (1) of the Act shall be made the Commission upon the recommendation of a Selection Committee which shall consist of the following persons :
- (a) the Chairman of the commission, who shall be the chairman of the Selection committee;
 - (b) two other members appointed by the Commission from among its members; and
 - (c) two senior public officers nominated by the Commission.
- (2)** Every appointment to any other administrative post in the commission under Section 8 (1) of the Act shall be made by the commission upon the recommendation of a Selection committee which shall consist of the following persons :
- (a) the Chairman of the Commission, who shall be the chairman of the seleciton Committee;
 - (b) one other member appointed by the Commission from among its members;
 - (c) the Secretary of the commission; and
 - (d) two persons, not being members of the Commission, appointed by the Commission. For the purpose of this sub-paragraph, ' administrative post" means any post carrying an initial salary of not less than eleven thousand seven hundred and sixty rupees per annum or such other higher initial salary as may from time to time be determined by the Commission.
- (3)** Every appointment to any other post in the Commission under Section 8 (1) shall be made by the Commission upon the recommendation of a Selection Commuter nominated by the Chairman of the commission.
11. Every appointment to the post of registrar of a University under section 37(1) of the Act or to the post of registrar of the Open University of Sri Lanka under paragraph 8 of the Open University Ordinance, No.3 of 1980, or to the post of Secretary of a University College under Section 59 (1) of the Act, shall be made by the governing authority of such University or Open university or University College, as the case may be, upon the recommendation of a Selection Committee which shall consist of the following persons :
- (a) the principal executive officer, who shall be the chairman;
 - (b) two members appointed by the Commission; and
 - (c) two members appointed by the governing authority from among its members appointed by the commission
12. Every appointment to the post of Bursar of a University under section 38 (1) of the act or to the post of Bursar of the Open University of Sri Lanka under paragraph 9 of the Open University ordinance, No. 3 of 1980, or to the post of Treasurer of a University College under section 61 (1) of the Act, shall be made by the governing authority of such University or Open University or University College, as the case may be, upon the recommendation of a Selections Committee which shall consist of the following persons :-

- (a) the principal executive officer, who shall be the chairman;
- (b) one member appointed by the commission;
- (c) the Registrar of the University or the Open University or the secretary of the University college, as the case may be; and
- (d) two members appointed by the governing authority, of whom one shall be a senior public officer;

Provided that at least one of members so appointed shall be a member of the Institute of Chartered accountants of Sri Lanka or of the Institute of Cost and Management accountants or of the Association of certified and Corporate accountants.

13. Subject to the provisions of Part X of the act, every appointment to a post of officer under paragraph (I) of section 71 (2) of the Act or to a post, other than that of teacher, under paragraph (ii) of section 71 (2) of the Act, shall be made by the commission upon the recommendation of a Selection committee which shall consist of the following persons: -

- (a) the Chairman of the Commission, who shall be the Chairman of the Selection Committee;
- (b) two members appointed by the Commission;
- (c) a member of the administrative staff of the Commission, appointed by the Chairman of the Commission.

14. Subject to the provisions of Part x of the Act, every appointment to a post under paragraph (iii) of section 71(2) of the Act shall be made by the Commission upon the recommendation of a Selection committee which shall consist of the following persons:

- (a) a member appointed by the Commission from among its members, who shall be the Chairman of the selection Committee;
- (b) the Secretary of the Commission; and
- (c) a member of the administrative staff of the Commission, appointed by the Chairman of the commission.

15. (1) The provisions of paragraph 7 (1) shall, mutatis mutandis , apply to and in relation to every appointment to a post in the Open University of Sri Lanka enumerated in the Schedule to this Ordinance and to every promotion to each higher grade or class of such post.

(2) The provisions of paragraph 7(2) shall, mutatis Mutandis apply to and in relaiton to every appointment to a post in any other Higher Educational Institution enumerated in the Schedule to this Ordinance and to every promotion to each higher grade or class of such post.

16. Every appointment to a post and every promotion to a higher grade or class of such post in a Higher Educational Institution for which no specific provision has been made in the preceding paragraph of this Ordinance, shall be made by its governing authority, or where the power to appoint persons has been delegated to the principal executive officer of such Higher educational Institution under Section 45(2) (xii) of the Act or subparagraph (xi) of paragraph 13(3) of the Open University of Sri Lanka ordinance, No. 3 of 1980, section 63 (3) read with section 45(2) (vii) of the Act, as the case may be, by such principal executive officer upon the recommendation of a selection Committee which shall consist of the following members.

- (a) the Registrar of the University or the Open University or the secretary of the University college, as the case may be, who shall be the Chairman; and
- (b) two members of the permanent staff of such University, Open University or University college, as the case may be, appointed by its principal executive officer.

- 17.** Where in the special circumstances relating to the appointment or promotion to a post or to a grade or class of such post in a Higher Educational Institution, the Commission is satisfied that the selection Committee cannot be constituted in the manner provided for the purpose of this Ordinance, the Commission may by resolution vary the constitution of such Selection Committee.
- 18.** Where in the opinion of the Selection committee, the applicants for appointment or promotion to a post or to a grade or class of such post in a Higher Educational Institution should possess any special knowledge, aptitude or skill, such Selection committee may obtain the services of a suitable person or suitable persons from within such Higher educational Institution or outside for the purpose of evaluating the relative merits of such applicants. Such person or persons shall be eligible to participate in the proceedings of the Selection Committee, except when a vote is taken or when a final decision is made.
- 19.** Every Selection Committee shall, wherever suitable candidates are available recommend for appointment or promotion a number of candidates equal to the number of vacancies to be filled, and in the case of an appointment, wherever any other suitable candidate is, or suitable candidates are available recommend in addition one or more than one such candidate to be kept in reserve. The names of candidates recommended for appointment or promotion and the names of candidates to be kept in reserve shall be arranged in such order of merit as the Selection committee may determine.
- 20.** The recommendation made by a Selection Committee for appointment to a post shall be valid for a period of three months reckoned from the date on which such recommendation was made, or where such post had been advertised, for a period of six months reckoned from the date of such advertisement, whichever event occurs earlier.
- 21.** Notwithstanding anything to the contrary in paragraphs 4 and 5, where the selection committee for a post had recommended one or more than one candidate to be kept in reserve for appointment to that post as provided in paragraph 19, any vacancy or vacancies occurring in that post within three months reckoned from the date on which such recommendation was made may be filled by the appointment of one or more than one candidate so kept in reserve without such post being advertised again. Every such appointment shall be in accordance with such order of merit as had been determined by the Selection Committee when making such recommendation.
- 22.** **(1)** Subject to the provisions of paragraph 2, no letter appointing or promoting a person to a post or to a grade or class of post shall be issued to such person except after such appointment or promotion has been approved by the governing authority of the Higher Educational Institution concerned, or where the power to appoint has been delegated to the principal executive officer of such Higher Educational Institution under section 45 (2) (xii) of the act or subparagraph (xi) of paragraph 13(3) of the Open University of Sri Lanka Ordinance, No. 3 of 1980, or section 63 (3) read with section 45(2) (xii) of the Act, except after such appointment has been approved by such principal executive officer.
- (2)** Where the power to appoint persons has been delegated under the provisions of the act or of the Ordinance referred to in the preceding subparagraph, every appointment made under such delegated power shall be reported by the Principal executive officer to the governing authority at its meeting immediately following the date on which such appointment was made.
- 23.** Every letter appointing or promoting a person to a post or to a grade or class of such post shall include a statement to the effect that such appointment or promotion is liable to be reviewed by the University Services Appeals Board under section 86 of the act.

24. Every letter appointing or promoting a person to a post or to a grade or class of such post, other than a post or grade or class of post of teacher shall include a statement to the effect that such person is liable to be transferred by the Commission under section 78 of the Act.
25. Where an employee of any Higher Educational Institution is appointed in the same capacity to any other Higher Educational Institution, the appointee shall be placed at the same step of the relevant salary scale and be permitted to retain his date of increment.
26. Except with the prior approval of the Commission, no person shall on appointment or promotion to a post or to a grade or class of such post be placed on a salary higher than the initial step of the salary scale attached to that post or that grade or class of post;

Provided (a) that when an officer serving in a Government department or corporation is appointed to a Higher Educational Institution, the salary payable to him and his date of increment shall be determined as follows:

- (i) Where the salary last drawn in the Public service or corporation was less than the initial of the salary scale of the post in the Higher Educational Institution to which the appointment has been made, the appointee shall be placed on the initial of that salary scale. His date of increment will be the date on which he assumed duties.
 - (ii) Where the salary last drawn in the Public service or corporation was higher than the initial of the salary scale of the post in the Higher Educational Institution to which the appointment has been made, the appointee shall be placed on the next higher step of that salary scale, and also be permitted to retain his date of increment in the Public service or corporation. As appointments or promotions to higher grade academic posts also depend upon postgraduate and other qualifications, no appointee shall however, be permitted to proceed from one post or grade or class of post to another purely by reason of the salary drawn by him in the Public service or corporation.
- (b) that when a medical graduate, not being a public officer, is appointed to a post of Lecturer or senior Lecturer or University Medical officer, the salary payable to him shall be determined as follows:
- (i) Where the salary which he would have drawn had he joined the public service immediately after graduation or had he continued to remain a public officer coincides with a step on the relevant salary scale, the appointee shall be placed on such step of such salary scale;
 - (ii) Where the salary which he would have drawn had he joined the public service immediately after graduation or had he remained a public officer falls in-between two steps of the relevant salary scale, the appointee shall be placed on the next higher step of such salary scale.
- (c) That where the salary scales attached to two posts or to two classes or grades of a post overlap, the holder of the inferior post or of the inferior grade or class of post, may, if he was in receipt of a salary higher than the initial step of the salary scale attached to the superior post or of the superior grade or class of post, be placed on appointment or promotion on such step higher than the initial step of the salary scale attached to the superior post or to the superior grade or class of post as may be determined in accordance with the provisions of the Establishments Code

27. In this Ordinance :-

"Act" means the Universities act, No. 16 of 1978;

"Commission" means the University Grants commission established under the aforesaid act;

"governing authority" in relation to

- (i) a University, means the council of that University'
- (ii) an Open University, means that council of that Open University' and
- (iii) a University college, means the board of Management of that University college;

"Higher Educational Institution" means a University, campus, Open University or University college established or deemed to be established under this Act;

" Old University " means the University of Sri Lanka established under the University of Ceylon Act , No. 1 of 1972;

"Principal executive officer" in relation to :-

- (i) a University, means the Vice-Chancellor of that University;
- (ii) An Open University, means the Vice-Chancellor of that Open University; and
- (iii) a university college, means the Director of that University college;

"teacher" means a Professor, associated Professor, senior Lecturer, Lecturer and Assistant lecturer and the holder of any post declared by Ordinance to be a post, the holder of which is a teacher.