



GOVERNMENT OF KERALA

Abstract

General Education Department- Scientific method of Appointment and Deployment of Teachers in Aided Schools – Implementation of package as recommended by the Committee headed by the Chief Secretary -- Orders issued.

GENERAL EDUCATION (J) DEPARTMENT

G.O (P) No.199/2011/G.Edn Dated, Thiruvananthapuram, 01/10/2011

Read:-

1. G.O. (P) No. 100/2011/GEdn. dt.30.04.2011
2. G.O.(MS) No.174/2011/GEdn dated 12.08.2011
3. Letter No. H2/32920/2011 dated 26.09.2011 from the Director of Public Instruction, Thiruvananthapuram.

ORDER

The appointment of teachers in additional division vacancies were restricted on various occasions and strict conditions were imposed by Government from time to time regarding filling up of such vacancies. But in aided schools, certain Managers have appointed teachers ignoring the conditions issued in Government orders, which in turn, led to rejection of such appointments by the educational officers, nonpayment of salary and filing of several writ petitions by affected parties. As a result, the teachers are constrained to pay much attention on getting their appointments approved, rather than engaging in academic activities. The entire hierarchy of field level officers namely, Assistant Educational Officers, District Educational Officers and Deputy Directors of Education are engaged in examining staff fixation, dispensing appeal petitions, approval of appointments, preparing reports and statement of facts in W.Ps, W.As and SLPs. The time and effort for planning, monitoring and coordinating academic activities and overall management of the sector is thus spent on addressing such cases.

2. The majority of the protected teachers (teachers appointed prior to 15-7-1997) retrenched from Aided schools are still continuing in other schools and ironically majority of them stand deployed to Govt. Schools. This has

resulted in curtailing recruitments through Public Service Commission. Even though Govt. have issued various orders to accommodate them in the respective Parent Schools, there are 2987 teachers yet to be accommodated. A number of teachers are likely to be thrown out this academic year as a result of the one day verification conducted in the ratio 45:1 and a number of teachers were already retrenched during the period from 1997 to 2010.

3. As per the judgment dated 19.01.2011 in Writ Appeal No.2679/2009 and ten other cases, the Hon'ble High Court has held that the entire students community should get training in Physical Education, Art and Craft. Government are duty bound to provide the service of Specialist Teachers to all schools irrespective of the number of students in each school. Therefore the Specialist Teachers are to be retained as a separate wing for suitable deployment to all schools in the State as per the directions of the Hon'ble High Court.

4. Consistent with the Right of Children to Free and Compulsory Education Act 2009 (RTE Act) Government made Kerala Right of Children to Free and Compulsory Education Rules 2011 as per the G.O read as 1st paper above.

5. In the above background the Government examined the matter in detail and approved the comprehensive package in principle for introducing a scientific method for Appointment and Deployment of Teachers in Aided Schools, approval of appointment of excess teachers working without salary, revision of Pupil Teacher Ratio (PTR) as per the norms in Right of Children to Free and Compulsory Education Act 2009 (RTE norms), and the deployment of protected teachers and that of Specialist Teachers, proposed by the Committee headed by the Chief Secretary with Principal Secretary, Finance and Secretary Education, as members. Government also appointed a sub committee consisting of the Hon'ble Minister for Education (Convenor), Hon'ble Minister for Agriculture, Animal Husbandry & Stationary, Hon'ble Minister for Revenue & Vigilance, Hon'ble Minister for Water Resources Hon'ble Minister for Excise & ports and Hon'ble Minister for Food & Civil Supplies and Registration for

discussion with the representatives of Managements and the Teachers Organizations. They held detailed discussions with both teachers organizations and management organizations and submitted recommendations for the implementation of the package.

6. Government are pleased to approve the following recommendations:-

- A. The appointment of 3389 teachers (Appendix I) working without salary in Aided Schools will be approved from the current academic year without waiting for decision in appeals or revision petitions, if any, pending before the appellate authorities on condition that Assistant Educational Officer /District Educational Officer /Deputy Director of Education concerned shall ensure that the above teachers included in the list are appointed against regular vacancies and are otherwise qualified. This process shall be completed within 15 days.*
- B. (i). For the academic year 2011-12 the staff fixation orders of 2010-11 would be applicable and will be fixed as the sanctioned posts in each school.*
 - (ii). No filling up of posts of additional division shall be allowed after 31.03.2011, except for posts which have hither to not been filled up though allowed in the staff fixation orders of 2010-11.*
 - (iii). Other than the proviso (ii) above, only those appointments made after 31/03/2011 in regular vacancies due to promotion, resignation, death or retirement of the teachers in the posts sanctioned as per the staff fixation orders of 2010-11 will be approved in the Academic Year 2011-12.*
 - (iv). The inputs for Staff fixation reports for the year 2011-12, namely the number of students in each division shall be submitted accurately by the respective school Managers/Head Masters. If any variations are found later on verification with Unique Identity number (UID), the*

approval will be cancelled and coercive action pursued against the Managers/ Headmasters.

(v). Those appointments made against the additional division vacancies during the current academic year will be treated only as daily wages and their approval will be considered only during the academic year 2013-14. Details of such teachers shall be given from the school in a prescribed Proforma to be specified by the Director of Public Instruction during the month of October itself.

*(vi). The additional divisions/posts will be worked out by the respective Assistant Educational Officers /District Educational Officers on the basis of actual **verified strength** already determined for 2011-12 or on the basis of revised strength to be submitted as in (iv) above, whichever is lower. Thereafter Assistant Educational Officer /District Educational Officer shall notionally re-arrange the additional divisions/posts, if, eligible, reducing Pupil Teacher Ratio as 30:1 in classes up to IV standard and 35:1 in classes V to X. This ratio will be applicable to language teachers also. No additional post for 2011-2012 will be allowed on the basis of this process since the posts are worked out only on notional basis, except for rearranging teachers as specified in(viii) (a), (viii) (b) and (viii) (c).*

(vii). Each school will prepare a seniority list of claimants under various categories awaiting appointment in schools, including teachers thrown out during the period when protection benefit was not allowed and will publish the same in the Education Department website on or before 31.10.2011. Any claimant aggrieved by this can file an appeal and the same shall be considered in school wise sittings by the officers designated by Government and settled with verification of school records. No appeal shall lie against this decision taken in the presence of claimants, and managements. This process shall be completed before 30th November 2011.

(viii). These posts/ divisions, (identified notionally as in (vi) above) shall be filled up only in the following priority:-

(a) from the list of Teachers working without salary. (3389) (Appendix I). These teachers shall be absorbed by the management which has appointed them itself. After absorbing such teachers the further appointments shall be as per viii (b) and (c) only.

(b) At least one teacher from the Teachers Bank constituted as per para 6 C of this order in each school.

(c) Claimants from the seniority list specified in para (vii) above.

(ix). In case a school /management has no teacher in category (viii) (a) then they shall make appointments as in viii (b) and viii (c). As per the provisions of RTE Act a head teacher will be allowed without class charge in Lower Primary schools having students more than 150 and in Upper Primary schools having students more than 100. However this provision can be adopted only after incorporating 5th standard to Lower Primary and 8th standard to Upper Primary. This can be done only in the academic year 2012-13. As such the resultant vacancy in schools because of this transition will also arise only in the next academic year. The post thus arising will be filled up by deploying a teacher from the Teachers Bank available in the respective district. Only if Teachers Bank is not able to provide such a teacher the post would be available for being filled up by the Manager. In such a case the post shall be filled up from the claimants in the seniority list and if the list is also exhausted the post shall be intimated to Government for inclusion in the notification specified in para 7 of this order.

(x). For making appointments in viii (a), viii (b) and viii (c) above age limit shall be relaxed. No appointment shall be made other than above, in any type of vacancies including the short term leave vacancies. The balance number of vacancies, if any in each school, after the above appointments

shall be furnished category wise to Government before 31st December 2011.

(xi). The Headmaster of the Aided Schools will be designated as the authority for the drawal and disbursement of salary of approved staff of the respective school. The prevailing system of counter signing the salary bill by the Educational Officers concerned shall be dispensed with. The Head Masters of each school shall use only "Spark" database for preparation of salary bills. This will come into effect as and when each school becomes SPARK enabled.

C. Teachers Bank:-

Government approve the proposal in the package for setting up of '**Teachers Bank**' for managing the transition and introducing a scientific method of recruitment for teachers in Aided sector. The objective and functions of the Teachers Bank are given below.

(i) The Teachers bank is a temporary arrangement for retaining excess teachers for suitable deployment to schools and to ensure payment of their salary without any hindrance. It consists of 3389 excess teachers now working in the schools without salary, 2987 protected teachers (Appendix-II), working in the school, majority of them in Government schools and 1700 teachers retrenched from schools for the period from 1997 to 2010 for want of posts. The main objective of the Bank is to ensure job and salary to the teachers included in the Bank. 3389 teachers working without salary will be deemed to be included in the bank. The appointment of these teachers will be approved with effect from the current academic year and they will be deployed to their respective schools. 2987 protected teachers working in various schools will be treated as transferred to the Bank and they will be deployed to the parent schools in the vacancies arising consequent on the promotion of Head teachers, deployment to B.R.C trainers and reduction of teacher pupil ratio as specified in para 6 B (vi) above. They will be permitted to receive salary from the schools they are working as if now till they are deployed to the respective schools. The

list of 1700 retrenched teachers will be published by the Director of Public Instruction for complaints if any in this regard and the Director of Public Instruction will furnish final list of retrenched teachers to Government within one month for inclusion in the Bank. The procedure for finalizing school wise seniority list mentioned in para 6 B (vii) above shall be followed in the case of retrenched teachers list as well. The retrenched teachers included in the Bank will be deputed for training specified in para 15 of this order before deploying them to the schools.

(ii) In addition to permanent deployment of teachers, the Bank will provide the services of teachers to schools for filling-up of leave vacancies. The Managers of Aided Schools shall appoint teachers in leave vacancies only from the list of district level teachers made available to them on request. They are permitted to make appointments even to leave vacancies if the Bank cannot provide list of teachers in the required subject within 48 hours after getting their request for teachers. The formation of Teachers Bank will be mainly on the basis of revenue districts.

(iii) The Specialist Teachers now working in schools will be shifted to the Bank permanently in accordance with the judgment of the Hon'ble High Court dated.19-1-2011in WA No.2679/2009. The service of trained Specialist Teachers will be made available to all schools in the state irrespective of the number of students in each school, by pooling the Specialist Teachers in the Teachers Bank with the part time Specialist Teachers to be positioned by Sarva Siksha Abhiyan (SSA) as per Government of India guidelines for implementing RTE Act. In future the appointment of Specialist Teachers will be made through Kerala Public Service Commission and they will be retained in 'Teachers Bank' for suitable deployment.

(iv) The Director of Public Instruction will ensure that the teachers included in the Teachers Bank are receiving pay and allowance in time without any hindrance.

7. The Director of Public Instructions is authorized to prepare and publish using an IT enabled system whereby the actual number of vacancies that can be filled up after exhausting the method of filling up of vacancies stipulated in Para 6 B (viii) above. The remaining vacancy along with details with respect to each school shall be notified like a Kerala Public Service Commission Notification. This shall also be made available on a consolidated form.

8. The Manager concerned can appoint a suitable candidate against the above notified vacancy. Once the appointment order is uploaded an online approval will be accorded by Educational Officers concerned and the database of SPARK will be updated accordingly. Sufficient publicity regarding the availability of vacancies will be given by the Director of Public Instruction. The appointments will be made only against notified vacancies in schools as stated in para 7. No other appointments shall be valid or legal.

9. From year 2012-13 onwards one-day verification as stipulated in rule 12, Chapter XXIII Kerala Education Rules will be dispensed with provided there is no request for additional division on the basis of the increase in the number of students. For this UID of all the students in the schools seeking additional division will be mandatory. In such cases fresh transfer Certificate and admission details shall also be furnished along with the application. The responsibility of this shall vest with the Head of the school concerned.

10. The Director of Public Instruction will develop and implement an IT enabled system as per the requirement.

11. The first resultant vacancy that arises consequent on the implementation of the package will be filled up from Teacher Bank itself.

12. Teachers Eligibility Test (TET) shall be made mandatory for the appointments of all teachers in Lower Primary, Upper Primary and High Schools. Orders amending the respective Rules/ Executive orders will be issued separately.

13. An Audit Committee will be constituted in the state for evaluating the performance of the teachers. The details with regard to its objectives, functions will be issued separately.

14. The Director of Public Instruction will move for necessary additional financial assistance sufficiently early and also for opening new sub Head of Account, if necessary, to enable the Educational Officers concerned to draw and disburse salary and other allowances of teachers in the Teachers Bank.

15. As part of implementation of package the teachers from Government and aided schools will be deputed for training in a phased manner and substitute arrangements will be made from Teachers Bank till the teachers re-join duty after training.

16. The Deputy Director of Education are directed to report vacancies that arising in Government schools consequent on promotion of Head teachers, reduction of pupil teacher ratio and the vacancies of protected teachers when they are deployed to Teachers Bank, to Kerala Public Service Commission without fail.

17. Necessary amendments to the Kerala Education Rules will be issued separately.

(By order of the Governor)

M.Sivasankar
Secretary to Government

To

The Director of Public Instruction, Thiruvananthapuram
All Deputy Directors of Education
All District Educational Officers and Assistant Educational Officers
The Principal Accountant General (Audit) Kerala, Thiruvananthapuram
The Accountant General (A&E) Kerala, Thiruvananthapuram
The Finance Department [vide U.O (F) 61497/Edn. A1/11/Fin. dated
05-08-2011]
The Director, Information & Public Relations Department.(for wide
publicity)
The Personnel and Administrative Department

The Director, IT @ School, Thiruvananthapuram (for publishing in the website)

General Administration (SC) Department. (vide No. -----)

All Officers/ sections of General Education Department

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The Additional Secretary to chief Secretary