

DRAFT AMENDMENT

ANDHRA PRADESH INTERMEDIATE EDUCATION SERVICE RULES

Intermediate Education – A.P.I.E.S.(Rules-Method of appointment to the post of Junior Lecturers and Physical Directors in Government Junior Colleges- Amendment to the Andhra Pradesh Intermediate Education service rules-Orders-issued.

SCHOOL EDUCATION () DEPARTMENT

G.O.Ms.No:

Date :

- 1) G.O.Ms.No: 302, Education department , dated 30.12.1993.
- 2) G.O.Ms.No: 223, Higher Education department , dated 18.09.2008.

Order

Rule 3 of the special rules for the Andhra Pradesh Intermediate Education Service issued in the G.O.Ms.No: 302, Education department , specifies the method of appointment and appointing authorities for the various categories of posts.

2) In the reference 2nd cited , A.P. Intermediate Education service rules issued in the 1st cited are amended on the ground that the school education department and Higher education departments are two different departments of the state of Andhra Pradesh and providing promotion channel to the employees of the school education department to the categories of posts in Intermediate education service is against the principle laid by the Hon'ble Supreme Court in Jagannadha Rao and others Vs the state of Andhra Pradesh. The amendment issued in the reference 2nd cited is as follows.

NOTIFICATION

"In exercise of the powers conferred by the provision to Article 309 of the constitution of India and of all other powers hereunto enabling, the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Intermediate Education Service Rules issued in G.O.Ms.No. 302, Education Department dated 30-12-1993.

Amendments

- 1) In the said rules, - in rule 3,9 and in the Annexure for the word " transfer", Wherever it occurs, wherever it occurs , the work "promotion" shall be substituted.
- 2) In rule 3(1) in category (8) in column (3) for the existing entries the following shall be substituted namely:-

- 1) By Direct recruitment
- 2) By Recruitment by promotion from - 90%

a) Supertintendents in the department of Intermediate Education and Collegiate Education as per Inter-se seniority	3%
b) Senior Asstistants and Senior Stenos in the department of Intermediate Education and Collegiate Education as per Inter-se seniority	3%
c) Junior Asstistants and Junior Stenos in the department of Intermediate Education and Collegiate Education as per Inter-se seniority	4%

Note :

- i) If no qualified and suitable person is available in category (a) above , the posts earmarked for that category may be filled up by the eligible persons in categories (b) or (c), in that order.
- ii) If no qualified and suitable person is available in category (b) above , the posts earmarked for that category may be filled up by the eligible persons in categories (a) or (c), in that order.
- iii) If no qualified and suitable person is available in category (c) above , the posts earmarked for that category may be filled up by the eligible persons in categories (a) or (b), in that order.

II) In Category 9 , in column (3) , for existing entry (C) the following shall be substituted, namely :

c) By recruitment by promotion from the category of superintendent, Senior Assistants, Senior Stenos, Junior Assistants , Junior Stenos and store keepers in the Departments of Intermediate and

Collegiate Education, as per Inter-se-Seniority , if no qualified and suitable person is available under the above two methods”.

(3) In rule 7 , the words , for recruited by transfer “ and “or appointment by transfer” shall be omitted.

(4) In rule 8, the words, “ or transfer “ shall be omitted.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]”.

3) The Teachers organizations made representation to the Government that promotion channel is to be provided to the School Assistants for the posts of Junior Lecturers in Government Junior Colleges on the ground that the school education department and Higher education departments are not two different departments in the state of Andhra Pradesh and there is only one education department in the state of Andhra Pradesh and the Principle laid by the Hon’ble Supreme Court in Jagannadha Rao case is not applicable in this case.

4) As per the para 3 (4) of the presidential orders each specified Gazetted category in each department in each zone shall be organized in to a separate cadre. The specified Gazetted categories of the education department are included in the Third schedule of the Presidential order. The specified Gazetted categories included in the Third schedule are as follows.

S.No	Category	Department
23	Deputy Educational Officers., Headmaster and Headmistress	Education Department
24	Principals of Junior Colleges other than in class-II of the A.P. Educational Subordinate services	-do-
25	Lecturers of Government Colleges	-do-
26	Lecturers of Govt. College of Education and Govt. Colleges of Comprehensive Education	-do-
27	Parishad Educational Officers	-do-

The post of Junior Lecturers in Govt. Junior Colleges was declared as Gazetted posts vide G.O.Ms.No: 97 Edn department dated 31.01.1981. As the post of Junior Lecturer was made Gazetted proposals was sent for Government of India to specify the said posts as specified Gazetted category by including the same in the Third schedule of the presidential order as per the para 2(j) of the presidential order. The Government of India inserted the post of Junior Lecturers in the Third schedule of the presidential order at S.No 24 A after S.No 24 in the Education Department vide S.O. 223(E) dated 25th February 2003. The same was republished by the state of Andhra Pradesh vide G.O.Ms.No: 131 GAD dated 30.04.2003. The Government of India inserted the following Gazetted categories of Education Department in the Third schedule of the Presidential order vide GSR 636 E dated 23.06.2017. The same was republished by the state of Andhra Pradesh vide G.O.Ms.No: 82 GAD dated 04.07.2017.

S.No	Category	Department
23 A	Mandal Educational Officer., Headmaster and Headmistress in Government and Zilla Parishad High Schools	Education Department
26A	Senior Lecturer, District Institutes of Education and Training	Education Department
26B	Lecturer, District Institutes of Education and Training	Education Department

The above all specified Gazetted Categories belongs to Education Department but are under administrative control of different directors and Secretary to Higher Education and Secretary to School Education.

5. The Central Government notified 14 departments of the state of Andhra Pradesh for which separate cadre have to be organized for the city of Hyderabad as per para 3(6) of presidential order vide GSR 528 dated 18.10.1975 , which was republished by the state of Andhra Pradesh vide G.O.Ms.No: 675 GAD dated 20.10.1975. The department of Education is at Sr.No.7 in the list of the above four departments notified by State of Andhra Pradesh.

6. The Government of Andhra Pradesh have given the list of departments for which the scheme of organization of local cadres will be applicable in the Annexure to GOP No. 728 GAD dated 01.11.1975 . As per the said list the Education Department is at S.No:24 . The labour department is at S.No: 46 and the factories and boilers department is at S.No: 47.

7. The Government vide G.O.Rt.No: 3009 GAD dated 20.06.2009 transferred the subject of Intermediate Education to Secretary to Government, Secondary Education i.e. to the Secretary of School Education.

8. There is only one Education Department in the State of Andhra Pradesh which is evident from the above provisions of the presidential Order and Government Orders. The Directorates of Collegiate Education, School Education , Intermediate Education are under the Education Department but were under administrative control of Secretary to Higher Education and Secretary to School Education.

9. In Jagannadha Rao case the Hon'ble Supreme Court declared that the provision made in the service rules for making the posts of factories and boilers department as feeder cadre for promotion to the post in the labour department is against of provisions of Presidential Order as the posts of one department shall not be made as feeder cadres for promotion to the post in another department as per para 5 of the presidential order. The Principle laid in the Jagannadharao case is not applicable to the Education Department since the posts of School Assistants and the Junior Lecturers are in the Education Department but are under the administrative control of different director and Secretaries. The posts of School Asst and Junior Lecturers are at present under the administrative control of Special chief Secretary, Department of School Education.

10. The post of Physical Directors in Juniors colleges was made Gazetted and not included in A.P. Intermediate service rules after making the said posts are Gazetted. The School Asst (Physical Education) working in the schools in the Education Department are not getting promotion to the post of Physical Directors for want of service rules.

11. The Government has carefully examined the above provisions of presidential orders , Government orders and the Judgment of the Hon'ble Supreme Court in Jagannadha rao case and accepted the proposal to amend the Andhra Pradesh Intermediate Service rules issued in the G.O. 1st read and as amended in the G.O. 2nd read above.

Accordingly the following notification will be published in the Andhra Pradesh Gazette

NOTIFICATION

In exercise of the powers conferred by the provision to Article 309 of the constitution of India and of all other powers hereunto enabling, the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Intermediate Education Service Rules issued in G.O.Ms.No. 302, Education Department dated 30-12-1993 as amended vide G.O.Ms.No: 223 Higher Education Department dated 18.09.2008.

Amendment

1. In rule 3(1) in Category 8 in column 3 for the existing entries the following shall be substituted.

“(i) By Direct Recruitment

(ii) By appointment by transfer from school Asst., of A.P.Educational Sub-ordinate services.

(or)

By Recruitment by transfer from any other service in Education department

i)	Direct Recruitment	--	50%
(ii)	School Asst of A.P.Educational Sub-ordinate services.	--	40%
(iii)	Any other service in Education department (Non Teaching Staff of Education Department)	--	10%”

2. In rule 2 the following is inserted after category 9

“ Category 10; Physical Director “

3. In rule 3 the following is inserted after category 9

“Category 10; Physical Director Appointment by transfer from School Asst (Physical Education) of A.P. Educational Sub ordinate service”

4. In annexure to rule 5 after category 9 the following is inserted.

“Category 10; Physical Director	Appointment by transfer	Must posses a second class post graduate degree in Physical Education or equivalent qualification from a recognized University
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PRINCIPLE SECRETARY
GOVERNMENT OF A.P