

**PROCEEDINGS OF THE COMMISSIONER OF SCHOOL EDUCATION
ANDHRA PRADESH :: AMARAVATI**

Present :: K.Sandhya Rani, I.Po.S.,

Rc.No.Spl/Estt-III/2017

Date:30-01-2018

Sub:- School Education – Preparation of Draft regarding Andhra Pradesh State Teachers Transfers (Regulation of Transfers) Act, 2017 and Gazette Notification – Suggestions and Comments – Requested – Regarding.

<<>>

The Government of A.P has introduced counseling system during 1998 for the transfers of teachers in Mandal Parishad, Zilla Parishad and Govt. Schools. The counseling system has been continued till recent 2017 teacher transfer counseling in this system.

In this regard Government has issued special rules for the teachers transfers counseling during each case for example: during 1998,2002,2005,2009,2011,2012,2015 and 2017. Separate GOs were issued every time. Due to lack of a permanent policy for teachers transfers in the State, lot of problems is emerging during the pre and also post transfers counseling.

In this connection, during meeting held with the Teacher's MLCs and Teachers Associations, it was suggested to propose for the permanent Act i.e AP State Teachers Transfers (Regulation of Transfers) Act for the Teachers Transfers in the State of A.P. as was in the neighboring-of State of Karnataka.

In view of the above, a draft proposal has been prepared with regard to the draft bill for Gazette notification.

Therefore, all the recognized teachers associations are requested to submit their suggestions and comments to finalize the draft for A.P State Teachers Transfers (Regulation of Teachers) Act.

This has got approval of Commissioner of School Education, A.P., Amaravathi.

Encls: Draft Act.

Sd/-K.RAVINDRANADH REDDY
for Commissioner of School Education

To
All the Recognized Teachers Associations.

//T.C.F.B.O//

P. Negamari
SUPERINTENDENT

As on 10/11/17

**THE ANDHRA PRADESH STATE TEACHERS (REGULATION OF
TRANSFERS) ACT, 2017**

ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons

Sections :

1. Short title and commencement
2. Definitions
3. Compulsory appointment of a teacher to rural areas
4. Transfer by counseling
5. Transfer of teachers in the interest of public service
6. Prohibition of transfer of a teacher from one unit of seniority to
another unit of seniority
7. Penalties
8. Cognizance of offences
9. An Act to override other laws
10. Power to remove difficulties
11. Power to amend the Schedule
12. Protection of action taken in good faith
13. Power to make rules
14. Transitory provisions
15. Repeal and Savings

PRTU

Objectives and Reasons

I

Act- __ of 2017:- It is considered necessary to regulate transfer of teachers in Government/Zilla Parishad / Mandal Parishad/ Primary/Upper Primary Schools and Secondary Schools in order to ensure availability of teachers in rural areas by classifying the habitations in to Category I,II,III and IV depending on the distance and HRA. from / within the limits of Corporation, Municipalities, Nagar panchayat so as,-

- (1) to transfer a teacher to a rural area (Category IV and III) on his initial appointment and also to transfer a teacher to a rural area (Category IV and III) on his immediate next transfer who has not worked before the commencement of this Act in any rural area(Category IV and III).
- (2) not to transfer any teacher outside the rural area (Category IV and III) who is appointed in a rural area (Category IV and III) before the completion of five years from the date of his appointment;
- (3) to provide transfer opportunity to the teachers to the nearest place where his spouse is working.
- (4)
 - (i) Streamline the process of transfer and posting of teachers, by providing options and flexibility to teachers and to seek postings of their preference as per the availability of vacancies.
 - (ii) ensure filling up of vacancies in rural areas (Category IV & III) and those under centrally sponsored scheme on priority;

ANDHRA PRADESH ACT NO. ___ OF 2017
(First Published in the Andhra Pradesh Gazette Extra-ordinary on the ___ day of _____, _____)

THE ANDHRA PRADESH STATE TEACHERS (REGULATION OF TRANSFERS) ACT, ___ 2017

(Received the assent of the Governor on the ___ day of _____, _____)

An Act to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government/Zilla Parishad / Mandal Parishad/ Primary/Upper Primary Schools and Secondary Schools.

Whereas it is expedient to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government/Zilla Parishad / Mandal Parishad/ Primary/Upper Primary Schools and Secondary Schools. in rural areas and for the matters connected therewith or incidental thereto;

Be it enacted by the Andhra Pradesh State Legislature _____ year of the Republic of India, as follows:-

1. (Short title and commencement.- (a) This Act may be called ANDHRA PRADESH TEACHERS (REGULATION OF TRANSFERS) ACT, ___ 2017

((b) It shall come into force at once).

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) "appointment" means appointment by direct recruitment, by absorption or by promotion;
- (b) "appointing authority" means the authority competent to make appointment to the post of a teacher;
- (c) "competent authority" means the authority competent to make/pass orders of transfer of a teacher;
- (d) "Maximum Period" means, a continuous service of ___ years in the station (Working area of the school) in different cadres put all together."
- (e) "Minimum Period" means, a continuous service of ___ years in a station in different cadres put together."]³
- (f) "rural area" means the areas of
- (i) Category IV – All habitations/Towns where 12% HRA is admissible, and which do not have connectivity through an all-weather road as per the norms of Panchayat Raj (Engineering) Department.

(ii) Category III – All Habitations / Towns where 12% and above HRA is admissible.

- (g) "school" means Primary/ Upper Primary and /or the High School under the managements of Government/ Mandal Parishad/ Zilla Parishad belonging to the State Government /Local Bodies as the case may be;
- (h) "schedule" means the schedule appended to this Act;
- (i) "teacher" means a person appointed to a category of post of a teacher, in a Primary/Upper Primary School or a High School and such other posts as specified in the Schedule;
- (j) "transfer" means posting of a teacher to a post in a place of working, including posting of a teacher from one place of working to a post in another place of working and includes transfer within the managements their initial appointments or outside the unit of appointments as per seniority in the same cadre.
- (k) "unit of seniority" means, District for the posts (School Assistants/SGT/LP and equalent cadre) in Govt./Mandal Parishad/ Zilla Parishad Primar/Upper Primary/High schools. Zone in respect of Headmaster Gr.II & MEO in Govt./MPP/Zilla Parishad/High schools.
- (l) "urban area" means any areas within the limits of a district head quarters and the limits of a City Corporation, Municipality or a Nagar Panchayat and the area notified by the State Government from time to time as 20% & 14.5% HRA covered.

3. Compulsory appointment of a teacher to rural areas.- (i) Every appointing authority while making initial appointment of a teacher to a school shall ensure that vacancies in rural areas shall be filled in the first instance:

Provided that the provisions relating to compulsory appointment of a teacher to the rural area shall not apply to a teacher who has been appointed to a unit of seniority which does not comprise any rural area.

(ii) If no vacancy is available for initial appointment or transfer in any particular IV and III category, a vacancy may be created by transfer of a teacher who has completed minimum number of years of service to category I & II in the order of priority to any other urban area (I & II Categories) within the same unit of seniority:

Provided that in case any teacher who is serving in rural area IV and III category is eligible to be transferred to category I & II, but if he desires to continue to serve in category IV or Category III, as the case may be, he may be allowed to continue to serve in these respective categories.

Explanation: Order of priority shall be calculated inter alia, on the basis of the total number of years of service, of a teacher in a category in different cadres and on the basis of any other criteria as may be prescribed.

“3 (A). Compulsory transfer of a teacher in public interest :- (i) A teacher who has completed maximum period of service in category I & II has more than two years of remaining service shall be transferred compulsorily to a post in Category III and IV in public interest.

Provided that a teacher who is an office bearer of a recognized teacher's or employee's association or an unmarried female teacher or a widow female teacher or a teacher having more than forty percent physical disability shall be given exemption from provision of this sub-section.

(ii) A teacher serving in category I & II and undergoing major penalty under the Andhra Pradesh Civil Services (classification, Control and Appeal) Rules, 1991 or facing criminal charges in Court of Law shall be transferred to category III & IV even if he has not completed minimum period of service.

(iii) If no vacancies are available for such compulsory transfer under sub-section(i) or (ii), the vacancies may be created by offering transfer option to existing teachers who have completed minimum period of service in category III & IV as provided in sub-section(ii) of section 3.

3 (B) Rotation of teachers :- (i) A teacher who has served minimum period of service in Category IV & III shall be offered on option to seek transfer to Category I & II respectively subject to availability of vacancies.

(ii) A vacancy remaining unfilled in Category-I&II shall be filled by transfer of teacher in category IV & III respectively subject to availability of vacancies.

(iii) A vacancy remaining unfilled in category IV & III shall be filled by transfer of a teacher in category I & II on exercise of option and any vacancy still not filled in Zone category III & IV may be filled by transfer of teacher in category I & II who are to be transferred compulsorily under sub-section(i) of section 3(A)”

4. Transfer by counseling.- The transfer of a teacher under this Act shall be done through a process of computerized counseling conducted in such manner as may be prescribed.

Provided that, the total number of transfers in a year in any cadre and in any unit of seniority under this Act shall not exceed twenty percent or any lower limit as may be prescribed.

(i) Prohibition of transfer of a teacher from one unit of seniority to another unit of seniority.- There shall be no transfer of a teacher from the unit (District / Zone) of seniority in which he is appointed to another unit of seniority except in cases specified in sub-clause (ii) of Rule (4):

Provided that a teacher who is found surplus in an unit of seniority may be transferred or redeployed to a needy school in another unit of seniority:

(ii) The provision of sub-section (i) shall be relaxed in the following cases, namely:-

- (1) In case of a teacher married to a Government or PSU employee posted outside the unit of seniority of the teacher irrespective of the period of service;
- (2) In case of mutual transfers subject to conditions that both teachers must have completed minimum period of two years of service; must be otherwise eligible to be transferred to that unit; must have minimum two years of left over service; such mutual transfers shall not be allowed more than once in his service and he shall not be eligible for protection of seniority.
- (3) Where a female teacher is a widow;
- (4) Where a teacher is physically handicapped or disabled;
- (5) Where a teacher or his/her spouse or children are suffering from serious ailments, for which medical treatment is not available at his/her place of work and his/her transfer is necessary to a place where such treatment is available so as to provide him/her the required medical treatment. However, no transfer shall be made unless the teacher concerned produces a certificate from the District Medical Board specifying the nature of ailment, stating the fact that the required treatment is not available at his/her place of work, specifying the place where the required treatment is available and certifying that his/her transfer is necessary to such a place to provide him/her the required medical treatment.
- (6) The teacher may, on his request, be transferred through process of counseling to such place or nearby place or post outside the unit of seniority where his spouse is working in an aided educational Institution but excluding an urban area.

Where a teacher has completed minimum period of service in any category and is seeking transfer to an eligible category to another unit of seniority which does not has a surplus teachers.

5. Penalties.- If any competent authority or any officer makes an order of posting or appointment or transfer in contravention of the provisions of this Act or the rules made there under, such competent authority or officer as the case may be, shall be liable for disciplinary action under the disciplinary rules applicable to civil servants.

6. Cognizance of offences.- No Court shall take cognizance of any offence under this Act except on a complaint made in writing by an officer authorized by the Government by notification published in this behalf in the Official Gazette.

7. An Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the official Gazette make provisions not inconsistent with the provisions of this Act as it appear to be necessary or expedient for removing the difficulty:

(Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.)

9. Power to amend the Schedule.- The State Government may, by notification, add, alter or remove any of the entries specified in the Schedule.

10. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything done in good faith or intended to be done under this Act.

11. Power to make rules.- (1) The State Government may by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) Any rule made under this Act may be made with retrospective effect and when such a rule is made, the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature and subject to any modification made under sub-section (3) of Rule (11), every rule made under this Act shall have effect as if it is enacted under this Act.

(3) Every rule made or notification issued under this Act, shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification, in the rule or notification or decide that any rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

12. Transitory provisions.- Any rule, notification, order or appointment, made or issued or otherwise providing for or relating to any of the matters for the furtherance of which this Act is an enacted, before the commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any Act action taken or any rule, notification, order or appointment made under this Act.

Repeal and Savings.-

SCHEDULE

[see section 2(h) and section 9]

Sl. No.	Designation of the posts of Teachers
(1)	(2)
I. Posts in Government/ MPP Primary Schools:	
1.	LFL HM
2.	SGT like Medium (Tel) (Urdu) (Kannada)(Oriya) (Tamil) (Sanskrit)
II. Posts in Government/ MPP/ ZP UP and High Schools:	
1.	Gr.II Headmaster/ Headmistress / Mandal Educational Officers
2.	School Assistants(Tel)(Hin)(Eng) (Maths) (Physical Science)(Biological Science) (Social studies)(Urdu)(Kannada)(Oriya)(Tamil)(Sanskrit) (Physical Education)
3.	Language Pandit(Tel)(Hin) (Urdu)(Kannada) (Oriya)(Tamil)(Sanskrit)
4.	Physical Education Teacher
5.	a. Art Teachers b. Drawing Teachers c. Music Teachers d. Dance Teachers e. Manual Training Instructors (Carpentry) f. Manual Training Instructors (Weaving) g. Craft Instructors h. Textile Printing Instructors i. Tailoring Instructors j. Carpentry Instructors k. Fitter Instructors l. Turnor Instructors m. Moulder Instructors n. Blacksmith Instructors o. Senior Mechanics p. Sewing Instructors q. Sewing/Tailoring and Needle Work Instructors r. Drawing and Sewing Instructors s. Agriculture Instructors t. Pre-vocational Instructor

The above translation of _____
_____ be published in the Official Gazette under clause (3) of Article 348 of the
Constitution of India.

.....
Governor of Andhra Pradesh

By Order and in the name of the President of
India

.....
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.

PRTU