

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education – Aided - Rationalization of Services of Aided Staff in Private Aided Schools - Orders - Issued.

EDUCATION (SE-PS.1) DEPARTMENT

G.O.Ms.No. 40

Dated:18. 06.2013.

Read the following:-

1. G.O.Ms.No.1, Edn. (PS.2) Department, dt:01-01-1994.
2. Govt. Memo No.12080/COSE/A2/2004-4, Edn.(COSE) dt:20.10.2004.
3. G.O.Ms.No.103, Edn., (Ser.V) Dept., Dt:05.08.2005.
4. Govt. Memo No.8544/PS-1/2005-3 Edn. (PS.1) dt:14.11.2005.
5. Judgment of Hon'ble High Court dt.29.12.2006 in W.A.No.1578/2005 & batch.
6. Judgment of Hon'ble Supreme Court, dt.06.09.2011 in S.L.P.No.9541/2007 & batch.
7. From the Commissioner & Director of School Education, Hyderabad, Letter Rc.No.1000/B2-1/2010, dated 02.08.2012 & 26.04.2013.
8. G.O. Ms. No. 39, Education (SE.PS.I) Dept., dated 17.06.2013.

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ORDER:

The Commissioner & Director of School Education, Hyderabad has submitted in the reference 7th read above that there is a need to rationalize services of surplus teachers in non-viable private aided schools and also viable private aided schools due to the fact that with reference to the prevailing norms certain private aided schools are having excess strength of students with less staff and certain other schools are having meagre strength of pupils with more teachers.

2. Government, in this regard, have taken into account the following conclusive observations of the Division Bench of Hon'ble High Court of Andhra Pradesh in Writ Appeal No. 1578 of 2005 & batch and W.P.No.21793 of 2005 & batch, dt:29.12.2006, made while dealing with the provisions relating to rationalization in G.O.Ms.No.103, Education (Ser.V) Department dated: 05.08.2005.

- (i) **However, we feel that it will be more prudent for the Government to examine the entire issue (here Rationalization) objectively and take corrective measures if it is found that the norms are contrary to the provisions contained in Rule 10 (12) or 10 (17) of the 1993 Rules (i.e. G.O.Ms.No.1, Edn. (PS.2) Department, dt:01-01-1994) applicable to private aided and un-aided schools.**
- (ii) **However, it is made clear that this order shall not prevent the competent authorities from undertaking fresh exercise for rationalization, which may lead to declaration of certain teachers' surplus and for absorption of such surplus teachers.**

3. Further, Government have taken into account the related provision of Right to Education Act, 2009 namely, Section 25(1) which reads that,-

"Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio (PTR), as specified in the Schedule, is maintained in each school."

4. The Hon'ble Supreme Court of India in its Judgment dt:12.04.2012 in WP(C) No. 95 of 2010 while upholding constitutional validity of the RTE Act 2009, made the following observations:

- (a) "The State is also expected to first weed out those schools which are non performing or under performing or non compliance schools and upon closure of such schools, the students and teaching and non teaching staff thereof should be transferred..., (Para 8 of the Judgment)."
- (b) "Needless to observe that if there is inadequate response to the Government funded school, it is but appropriate that either the divisions there of or the school itself be closed and the students and staff of such schools be transferred..., (Para 8 of the Judgment)."
- (c) "In our view even State Government must take opportunity to re organize its financial outflow at the micro level by weeding out non performing or under performing or non compliance schools receiving grant – in –aid so as to ensure that only such Government funded schools who fulfill norms and standards are allowed to continue. (Para 8 of the Judgment)."

5. Further, Government have noted the following recent developments in the Country and in the State for the purpose of revising staff pattern keeping in view pupil teacher ratio and subject needs of schools.

- (i) Government of India have enacted Right to Education Act, 2009 applicable to elementary education (class I to VIII). According to schedule of the Act, pupil teacher ratio for primary classes (I to V) is one teacher for thirty pupils approximately and for Upper Primary classes (VI to VIII), it is one teacher for thirty five pupils, approximately.
- (ii) Government of India have evolved pupil teacher ratio norms for teachers for curricular subjects, Maths, Sciences, English, Social Studies and regional languages for teaching classes IX and X vide Ministry of Human Resource Development Department D.O. Lr. No. 1-42/2011-Sch-1, Dated: 03.08.2011, wherein pupil teacher ratio fixed is not exceeding one teacher for thirty two pupils.
- (iii) Three language formula to be followed in accordance with the National Policy on Education (NPE) 1986.
- (iv) A.P.S.C.E.R.T has developed State curriculum frame work 2011 in accordance with rule 25 of A.P. Right to Education Rules 2010.
- (v) Orders on subject wise weightages for various classes in Time Table in schools in the State (number of periods per subject per class per week) issued in G.O.Ms.No.63 Education (SE. Prog.I) Department, dated: 26.07.2012.

6. Keeping in view the above Court Directions, imbalance of teaching staff in private aided schools and recent developments in the Country and in the State and after careful examination of the matter, Government have decided to rationalize positioning of aided teachers in private aided schools as per the revised staff pattern and norms and modalities given in this G.O. including its Annexures. These revised staff patterns provide for better pupil teacher ratio than what is indicated in Rule 10 (12) of the Rules issued in G.O. under reference 1st read above as they are designed in accordance with the norms and standards of Right to Education Act, 2009 and Rashtriya Madhyamika Shiksha Abhiyan.(RMSA).

7. Accordingly, Government hereby order that Rationalization of Aided Teachers and Non-teaching staff in Aided schools shall be taken up for promotions of qualified

teachers/non-teaching staff as per seniority in their unit within the District and identification and transfer of surplus teachers and non-teaching staff to the needy aided schools within the District, in relaxation of ban imposed in Govt. Memo. No.12080/COSE/A2/2004-4, Dt.20.10.2004 and Govt. Memo. No.8544/PS.1/2005-3 Education Department, dated : 14.11.2005, to the limited extent of transfers and promotions required for the present rationalization exercise during the schedule to be notified by the Commissioner & Director of School Education, Hyderabad, for this purpose.

8. The following principles / guidelines shall be adopted for rationalization of the services of teachers working against Grant-in-aid posts in private aided Schools:

- (1) There shall not be any increase in the number of posts admitted to Grant-in-Aid in a private aided school on account of present rationalization.
- (2) Under the present rationalization, posts will not be shifted from one school to another. Only surplus teachers of a school will be transferred to other needy schools subject to condition that an equal number of **Sanctioned Aided Posts (SAP)** are available and vacant in the needy school within the District.
- (3) The scope and purpose of the present rationalization exercise is limited to promotions of qualified teachers as per seniority in their unit within the District by the Management and transfers of teachers by the management within the district in their respective unit as per MATPP explained in para (5) below and identification of and transfer of surplus teachers working against aided posts from one school to another by District Level Committee of Rule 8(b) below according to need (MATPP is as explained in (4) and (5) below).
- (4) The District Educational Officer shall work out the requirement of teachers in each private aided school as per the staff pattern norms indicated in Annexure-I taking into consideration the higher enrolment of the school in the preceding two academic years, adopting the DISE Data of the two years viz. 2011-12 and 2012-13 for this purpose. This will be the teacher requirement of the school.
- (5) Then, for the purpose of this rationalization, the requirement worked out under para (4) above shall be limited to **SAP** of the school. This will be the **Maximum Aided Teacher Posts Permitted (MATPP)** for the school, vide example given in Annexure - III. Thus, the exercise of rationalization as per norms shall be limited only to the number of posts admitted to Grant-in-Aid in the school, i.e., the number of sanctioned aided posts category wise. In other words, **MATPP** in this exercise is less than **SAP** or at the most equal to **SAP** in each category of post. It is clarified that in case of higher enrolment schools requiring more posts (teachers) than **SAP**, the additionally required posts over and above **SAP** are not provided in this exercise.
- (6) In so far as the Upper Primary Schools and High Schools are concerned the rationalization exercise shall be category - wise, namely, HM, S.A. (Maths), S.A. (Science), S.A.(Humanities), S.A.(1st Language) and SA (2nd Language) SA (PE), SGT, PET, L.Ps, C.I. / D.M./ Music etc., adopting the staff pattern norms in Annexure-I.
- (7) Whenever a transfer of surplus teacher in a school is called for as per the rationalization exercise under these guidelines, the same shall be done in the first instance by obtaining options of the willing teachers / non-teaching staff in the affected school, failing which such transfer shall be done starting from the junior most in the category of post concerned in that school. If a category

of post covers 2 or more subjects as in each of SA (Sci) or SA (Maths/Science) or SA (Humanities), etc., the junior most in that subject is to be identified as surplus. For clarity in estimating surplus and deficit teachers for a school see Annexure-IV.

- (8) The following categories of teachers shall be identified as surplus teachers in a school for the purpose of rationalization.
- (i) All aided teachers working in non-viable schools. A Non-viable school for this purpose shall be.
 - (a) Primary School with less than 30 enrolment in I to V Classes.
 - (b) Upper Primary School with less than 30 enrolment in VI to VII Classes. (For upper primary stage)
 - (c) High School with less than 75 enrolment in VI to X classes.
 - (d) High School having I to V classes with less than 30 enrolment in I to V classes (in respect of only Primary Stage)
 - (ii) In each category of post all aided teachers working in excess over M.A.T.P.P, the surplus teachers are worked out through the formula $WT - MATPP = +ve \text{ number}$ where WT stands for Working Teachers. The Positive Number indicates surplus teachers, i.e., number of teachers working is greater than MATPP, for a category of post (vide Annexure-IV).
 - (iii) Aided Teachers of already closed schools, and zero enrolment schools if any, including all aided teachers who are drawing salary from the school but working in other school (s) / offices, etc.
- (9) The rationalization exercise shall be done in two stages. In Stage-I, initially the promotions of qualified teachers as per MATPP shall be taken up (from SA cadre to HM cadre and then from SGT cadre to SA cadre) by the Management within the unit and within the District by the Management. Then, the resultant identified surplus teachers shall be transferred to the needy schools under the same management by the management themselves with in the unit and within the District with the approval of the committee constituted for this purpose for both promotions and transfers of surplus teachers.
- (10) After completing Stage-I, Stage-II rationalization is to be taken up.
- (a) **In stage – II**, the Committee constituted for this purpose in para 8 (b) given below shall effect transfer of surplus teachers to the needy schools, from one management to another within the district, in the order of seniority of the identified surplus teachers after stage-I afresh for each category of post as prepared by the DEO, concerned.
 - (b) Subject to other norms and guidelines, the exercise of rationalization by Stage-II committee (vide para 8(b)) shall be done in such a manner as to ensure the minimum teaching staff for a school as prescribed in Annexure-II in the first instance (i.e. in the 1st round of counseling). But in the 1st round of counseling for surplus teachers listed seniority wise (by the DEO) for each category of post, if no one chooses the vacancy in that particular school then the committee will identify the last available candidate in that seniority list of that category of post and

transfer him to the needy school concerned. This step indicates completion of first round of counseling. Then the second round of counseling will be taken up for remaining surplus teachers for all other needy schools category wise. The order of counseling shall be SA (M), SA (BS), SA (PS), SA (SS), SA(Eng.), SA (1st Language), SA (2nd Language), SA (Phy.Edn.), SGT, LP (1st Language), LP (2nd Language), PET and C.I. in each round. In the second round, each surplus teacher (remaining) has to necessarily opt for a school (notified as needy in a category of post).

- (11) While promoting teachers (from SA to HM or from SGT to SA) and transferring surplus teachers into vacant posts in needy schools as per **MATPP**, foot note instructions given at the bottom of each type of school staff pattern prescribed in Annexure-I shall be followed scrupulously. While promoting the teachers and transferring the surplus teachers pertaining to SA (Non Language Subjects) of a particular Medium School, care should be taken to post them as per their medium of study in class X or above levels.
- (12) Government have imposed ban on filling up of vacant aided posts/promotions, vide Govt. Memo. No.12080/COSE/A2/2004-4, Education Department Dated: 20-10-2004 and Govt. Memo No.8544/PS.1/2005-3 Education Department dated: 14.11.2005. It is ordered to relax the ban in a limited way in this exercise for the purpose of promotions and transfer of surplus teachers (exclusive to this rationalization only) to the extent of need (**MATPP**).
- (13) Resultant to this rationalization, if an aided post in an institution is rendered surplus, the same shall stands suppressed on transfer of the incumbent to another aided institution with effect from the date of such transfer.

9. Procedure for Rationalization:-

The sequence of rationalization exercise shall be as follows:-

- (a) The District Educational Officer shall first work out and fix the **MATPP** in the form prescribed in Annexure-V for each private aided school as per the norms prescribed in Annexure-I in consultation with management of the school.
- (b) **Intra Management Promotions :**

The intra management promotions within the schools and within the unit and within the District concerned, shall be effected by the management itself as per the prevailing rules in force in that regard and subject to the **MATPP** now worked out for the schools within the same management. The qualifications for teachers shall be as prescribed in G.O.Ms.No.4 Education Department, dated: 09.01.2012. (except for TET Pass qualification and age qualification). Qualification for non-teaching posts shall be same as those prevailing now.

- (c) **Intra Management Transfers:-**

The transfers within the schools under the same management within the unit and within the District shall be effected only for the purpose of moving the teachers identified as surplus in the present exercise to the needy schools, by the management itself subject to availability of sanctioned and vacant aided posts in the needy school.

- (d) **Inter Management Transfers** shall be done in respect of identified surplus teachers by the Committee Constituted in para 10 (b) below taking into consideration the surplus teachers identified with reference to the **M.A.T.P.P.** and the need and availability of sanctioned aided posts in the needy schools in two rounds of counseling for each category of post in the District as explained in para 8 [10(b)] supra.

10. Constitution of Committees for the purpose of Rationalization:

- (a) **Stage-I Rationalization:** The intra management promotions and transfers shall be made by the concerned management with the approval of the committee, comprising the following members:-

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|-------|--|-----|---------------------|
| (i) | Regional Joint Director of School Education | ... | Chairman |
| (ii) | District Educational Officer of the District concerned | ... | Member-
Convenor |
| (iii) | Principal, IASE/CTE/DIET as nominated by the Commissioner and Director of School Education, Hyderabad. | ... | Member |
| (iv) | Deputy Educational Officer concerned. | ... | Member |
| (v) | Correspondent/authorized representative nominated by the Chairman / President of the Management Committee concerned / Special officer. | ... | Member |

- (b) **Stage-II Rationalization: Inter Management Transfers:-**

The inter management transfers shall be effected by the Committee comprising the following members:

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|-------|--|-----|---------------------|
| (i) | Collector and District Magistrate | ... | Chairman |
| (ii) | District Educational Officer | ... | Member-
Convenor |
| (iii) | Principal, IASE/CTE/DIET as nominated by the Commissioner and Director of School Education, Hyderabad | ... | Member |
| (iv) | Deputy Educational Officer concerned. | ... | Member |
| (v) | Correspondent/authorized representative nominated by the Chairman / President of the Management Committee concerned / Special officer. | ... | Member |

11. Rationalization of Non-Teaching Staff :

The principles, guidelines and procedure prescribed in paras 8, 9, 10 above shall be applied *mutatis mutandis* to the promotions and transfers of surplus aided non-teaching staff working in private aided schools in the State, adopting the norms prescribed in Annexure-VI.

12. Relaxation of ban on promotions etc.

The ban imposed in the government orders 2nd and 4th read above is relaxed to the limited extent of transfers and promotions required for the present rationalization exercise during the schedule notified by the Commissioner & Director of School Education, Hyderabad, A.P. for this purpose.

13. The Commissioner & Director of School Education, Hyderabad shall notify the schedule for the exercise of rationalization in accordance with the provisions of this order and take necessary action in the matter

14. This order issues with the concurrence of Finance (SMPC) Department, vide their U.O.No.39438/446/A2/SMPC.II/12, dated : 20.12.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The Commissioner and Director of School Education, Hyderabad.
All District Collectors in the State.
All Regional Joint Directors of School Education in the State.
All District Educational Officers in the State.
Copy to the Finance (SMPC) Department.
Copy to the Law (A) Department.
Copy to PE-PS.1 Section.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER