

15 -ാം കേരള നിയമസഭ

2 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 2588

02-08-2021 - ൽ മറുപടിയ്ക്ക്

ഡെപ്യൂട്ടേഷൻ വഴി ഉണ്ടായ ഒഴിവുകൾ

ചോദ്യം		ഉത്തരം	
ശ്രീ. ഇ കെ വിജയൻ		Shri V Sivankutty (പൊതുവിദ്യാഭ്യാസ-തൊഴിൽ വകുപ്പ് മന്ത്രി)	
(എ)	മന്ത്രിമാരുടേയും, എം.എൽ.എ.മാരുടേയും സ്റ്റാഫിലേക്കുള്ള ഡെപ്യൂട്ടേഷൻ വഴി ഉണ്ടായ ഒഴിവുകളിൽ ദിവസ വേതനാടിസ്ഥാനത്തിൽ അധ്യാപക നിയമനത്തിന് നിലവിൽ എന്തെങ്കിലും തടസ്സങ്ങൾ ഉണ്ടോ ;	(എ)	ഡെപ്യൂട്ടേഷൻ വഴി ഉണ്ടായ ഒഴിവുകളിൽ സംരക്ഷിതാധ്യാപകരെയാണ് നിയമിക്കേണ്ടത്.
(ബി)	ഇത്തരം നിയമനത്തിന് സർക്കാർ പുറപ്പെടുവിച്ചിട്ടുള്ള സർക്കാർ ഉത്തരവ് ലഭ്യമാക്കാമോ ?	(ബി)	3.12.2016 ലെ സ.ഉ.(പി)നം.199/2016/പൊ.വി.വ. ഉത്തരവ് അനുബന്ധമായി ചേർക്കുന്നു.

സെക്ഷൻ ഓഫീസർ

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Government of Kerala
2016



Regn. No. KERBIL/2012/45073
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Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
General Education (J) Department
NOTIFICATION

G. O. (P) No. 199/2016/G. Edn.

Dated, Thiruvananthapuram, 3rd December, 2016
18th Vrischikam, 1192.

S.R.O. No. 752/2016.—In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following rules further to amend the Kerala Education Rules, 1959, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Education (Amendment) Rules, 2016.

(2) They shall be deemed to have come into force on the 29th day of January, 2016.

2. *Amendment of the rules.*—In the Kerala Education Rules, 1959:—

(1) in Chapter XXI, for rule 7, the following rule shall be substituted, namely:—

“7. (1) The posts of Lower Primary School Assistant and Upper Primary School Assistant sanctioned additionally as per item (iii) of clause (b) of rule 1 and item (iv) of rule 5 of Chapter XXIII, shall be filled up by the manager by appointing teachers from among the list of protected teachers maintained under the Teachers Bank, with the permission of the Deputy Director (Education) concerned.

(2) The additional posts, irrespective of category, on staff fixation shall be filled up by the manager by appointing teachers from among the list of protected teachers in the Teachers Bank, with the permission of the Deputy Director (Education) concerned and by appointing teachers otherwise than from the Teachers Bank in the ratio 1:1 respectively.

(3) Subject to rules 43, 51A and 51B of Chapter XIV A, all vacancies in the schools opened/upgraded after 22nd May, 1979, except in the pre-upgraded sections, shall be filled up by the manager by appointing teachers from among the list of protected teachers in the Teachers Bank with the permission of the Deputy Director (Education) concerned. Pre-upgraded sections denote L.P./U.P. sections of the new schools prevailed before upgrading the schools with U.P./H.S. sections.

(4) Subject to rules 43, 51A and 51B of Chapter XIV A, short term vacancies including leave vacancies and vacancies of teachers deputed for training, having duration of one academic year and above, shall also be filled up by the manager by appointing teachers from among the list of protected teachers in the Teachers Bank, with the permission of the Deputy Director (Education) concerned:

Provided that, if on the date of occurrence of the vacancy, a teacher in the same category is not available in the Teachers Bank of that revenue district, manager shall appoint teachers by resorting to Teachers Bank of other revenue districts.

(5) Notwithstanding anything contained in rules 43; 51A and 51B of Chapter XIV A, the posts of Lower Primary School Assistant and Upper Primary School Assistant sanctioned additionally as per item (iii) of clause (b) of rule 1 and item (iv) of rule 5 of Chapter XXIII, the first post of every two additional posts, irrespective of its category, on staff fixation are solely earmarked for appointing protected teachers from the Teachers Bank.

(6) When a vacancy arises due to the relief of a protected teacher appointed under sub-rules (1) to (4), that vacancy shall be filled up only by appointing another protected teacher from the Teacher's Bank.

(7) The protected teachers appointed in any school from the Teachers Bank shall have no preferential claim or right for appointment in future vacancies in any schools other than in their parent schools or in any schools under their parent educational agency.

(8) If a protected teacher in the same category is not available in the Teachers Bank of the revenue district in which the school is situated, as on the date of occurrence of vacancy, manager shall appoint a teacher from the Teachers Bank of any other revenue district where such protected teacher is available, with the permission of the Director. In case, same category of teacher is not available in the Teachers Bank of any revenue district, such vacancies except the vacancies against the posts mentioned in sub-rules (1) and (2) above, shall be filled up by the manager otherwise with the permission of the Director. The vacancies mentioned in sub-rules (1) and (2) above shall only be filled up as specified by Government from time to time.

(9) The Educational Agencies having more than one school, shall not transfer protected teachers appointed from the Teachers Bank, from one school to another or terminate their service, without the prior permission of the Deputy Director (Education) concerned.

(10) The rules regarding appointment/deployment applicable to protected teachers of aided schools shall *mutatis mutandis* apply to the protected non-teaching staff in aided schools.

Note 1:—“*Teachers Bank*” wherever it occurs in these rules means the list of teachers retrenched due to division fall from the schools of various Aided Educational Agencies and eligible for protection as per the orders issued by Government from time to time. It is a temporary arrangement for retaining the protected teachers for suitable appointment/deployment.

Note 2:—The enlistment of teachers eligible for protection under the Teachers Bank at revenue district level shall be done by the Deputy Director (Education), of the revenue district concerned. Managers shall appoint teachers from among the protected teachers enlisted under Teachers Bank, against the vacancies earmarked for them with the permission of the Deputy Director (Education) concerned.

Note 3:—The managers of the minority schools shall have the right to choose protected teachers of their choice from the Teachers Bank of any revenue district with the permission of the Director.”

(2) in Chapter XXIII,—

(a) in rule 1, for item (iii) of clause (b) the following items shall be substituted, namely:—

“(iii) Subject to item (i) and (ii), if the strength of pupils in a Lower Primary School having Standards I to IV or I to V, exceeds 150, one post of Lower Primary School Assistant shall be sanctioned additionally by exempting the Headmaster from class charge”;

(b) in rule 5;—

(1) after item (iii) the following item shall be inserted, namely:—

“(iv) Subject to item (i) and (ii), if the strength of pupils in an Upper Primary School having Standards V to VII exceeds 100 or in a school having Standards I to VII, if the strength of pupils exceeds either 150 from Standards I to V or 100 from Standard V to VII, one post of Upper Primary School Assistant shall be sanctioned additionally by exempting the Headmaster from class charge”;

(2) item (v) shall be omitted;

(c) after rule 14, the following rule and Note shall be inserted, namely:—

“14 A. Notwithstanding anything contained in rule 12 of this Chapter and in rule 3A of Chapter XXIV B, Government may by notification in the official gazette, extend the strength of teaching and non-teaching staff already sanctioned in the schools for the last year to subsequent year or years.

Note:—While extending the strength of teaching and non-teaching staff under rule 14 A, the educational officer concerned shall verify the U.I.D. (Unique Identification Number Data) based on sixth working day strength of pupils from Standard I to VIII of every school and if a school is found requiring more teachers for the current year than the last year, so as to maintain the Pupil Teacher Ratio in terms of section 25 of The Right of Children to Free and Compulsory Education Act, 2009 (Central Act 35 of 2009), he/she shall report the requirement of such additional teachers to the manager and the Deputy Director (Education) concerned. Thereupon, the manager shall appoint the required number of teachers from among the list of protected teachers under Teachers Bank, with the permission of the Deputy Director (Education) concerned. When the staff fixation is done further, all the protected teachers appointed so, except those who are continuing against the vacancies earmarked for appointing protected teachers as per sub-rules (1) to (4) of rule 7 of Chapter XXI, shall be recalled to the Teachers Bank”.

By order of the Governor.

B. SRINIVAS,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Since 1969, Government have adopted a sympathetic stand to protect the teachers retrenched due to division fall in the schools of various aided educational agencies, on certain conditions and guidelines issued by the Government from time to time. In the early years, the number of retrenched teachers eligible for protection was nominal and hence affordable by the Government. When years passed, the phenomena of division fall due to dearth of pupil strength has grown to an alarming proportion and, accordingly, the number of retrenched teachers increased making it unaffordable to the Government, for want of sufficient vacancies so as to accommodate all of them in Government sector. Therefore, all aided educational agencies are required to fill up certain vacancies by appointing teachers from the list of protected teachers. In fact, since these teachers are from aided schools, all aided educational agencies have a moral obligation to achieve that end. As per section 11 of Kerala Education Act, 1958 (6 of 1959) managers are bound to comply with the conditions laid down by the Government in the process of appointing teachers in aided schools.

In the above circumstances, the Government intends to impose a condition that the managers of all aided schools to appoint fully qualified similar category of teachers from among the list of protected teachers against certain vacancies, till the Teachers Bank is exhausted.

As per G. O. (P) No. 134/2016/G. Edn., dated 5-8-2016, the staff fixation orders issued to the schools for the year 2015-16 is made applicable to the year 2016-17 also. In future also, the necessity of the extension of staff fixation order issued for a particular year to the subsequent year/years may arise due to administrative reasons, if any. It is also proposed to incorporate provision to the effect that the educational officer concerned shall verify the strength of pupils based on UID (Unique Identification Number Data) while extending the staff strength to subsequent academic year. Therefore, an amendment to the existing Kerala Education Rules, 1959 is necessary.

The notification is intended to achieve the above objects.