

Education Secretariat

NOTIFICATION

No. ED 173 ETR 2007, Bangalore, Dated: 15th October, 2007

Whereas the draft rules of the Karnataka State Civil Services (Regulation of transfer of Teachers) Rules, 2007 was published as required by sub-section (1) of section 13 of the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2007 (Karnataka Act 29 of 2007), in Notification No. ED 173 ETR 2007, dated 17.9.2007 in Part IV-A of the Karnataka Gazette (Extra ordinary dated 17.9.2007) inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication in the Official Gazette.

And whereas the said Gazette was made available to public on 17.9.2007.

And whereas the objections and suggestions have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2007 (Karnataka Act 29 of 2007), the Government of Karnataka hereby makes the following rules, namely:-

Rules

1. Title and Commencement.- (1) These rules may be called Karnataka State Civil Services (Regulation of transfer of Teachers) Rules, 2007.

(2) These rules shall come into force from the date of its publication in the Official Gazette.

2. Definitions.- In these rules unless the context otherwise requires, -

- (a) 'Act' means the Karnataka Civil Services (Regulation of Transfer of Teachers) Act, 2007 (Karnataka Act 29 of 2007);
- (b) 'Section' means section of the Act.

3. Competent Authority.- The Competent Authorities for Transfer of Teachers working in a school specified in column (2) of the Table below shall be as specified in column (3) thereof: -

TABLE

Sl. No. (1)	School (2)	Competent Authorities (3)
(i)	Primary Schools	Deputy Director of Public Instruction (Administration) of the concerned Educational district
(ii)	Secondary Schools	Concerned Joint Director of Public Instruction in the Office of the Commissioner for Public Instruction, Bangalore or Dharwad or Gulbarga as the case may be.
(iii)	Pre-university College	Joint Director (Administration) of Pre-university Education in the Office of the Commissioner for Pre-University Education

The Competent Authorities shall exercise the powers within their respective Jurisdiction.

4. Preparation of time table for transfer through computerized counselling.- (1) The time table for the transfer through computerized counselling shall be prepared as follows:-

- (i) Firstly, excess teachers shall be redeployed to the needy schools
- (ii) Secondly, transfer of teachers under Section 5 of
- (iii) Thirdly, transfer on complaint cases
- (iv) Fourthly, request transfers within the unit of seniority
- (v) Fifthly, request transfers outside the unit of seniority in accordance with section 6

(2) All the above stages of transfers except transfers on complaint cases shall only be done through computerized counselling.

(3) For request transfers the time table shall be prepared as follows:-

- (a) Notification of vacancies
- (b) Last date for submitting applications for transfers to concerned Officers.
- (c) Examination of application and certification by concerned Officers.

- (d) Publication of provisional priority list
- (e) Last date for submission of objections
- (f) Publication of final priority list
- (g) Counselling at the district level
- (h) Counselling at the division level
- (i) Counselling at the state level.

5. Notification of vacancies.- The list of vacancies that are to be filled on transfer as per vacancy available subject wise requirement, shall be arrived at and displayed on the notice board. The consequential vacancies that arise at the time of counselling shall also be included in the list of vacancies and displayed on the computer screen immediately after such vacancies arise.

6. Applications for transfers.- (1) All applications, requesting for transfers shall be sent through the concerned Heads of Institutions in the application form to be specified by Heads of Department.

(2) The Head of Institution after due verification shall forward the application to the concerned Block Education Officer in respect of primary schools, the Deputy Director of Public Instruction (Administration) in respect of secondary schools and the Deputy Director of Pre University Education in respect of Pre University colleges.

(3) The concerned Officers shall verify and certify the correctness of the particulars furnished in the application form.

(4) After verification the applications for transfers data shall be computerized.

7. Preparation of Priority List- (1) All the verified applications shall be arranged in the following order of priority: -

- (a) Cases of Terminally ill cases of serious ailments as per clause (4) of sub-section (2) of Section 6 of the Act.
- (b) Cases of physically handicapped teachers with more than 40% disability as certified by District Surgeon
- (c) Cases of female teachers who are widows
- (d) Cases of Married teachers as per clause (1) of sub-section (2) of Section 6 of the Act.
- (e) Other female teachers
- (f) The elected office bearers of recognized associations of State Government employees as per rule 9 of these rules.
- (f) Other male teachers

(2) Within each of the above priority categories the priority list shall be prepared by multiplying the number of years of service by the applicant in all cadres in the places classified as A, B and C zones as notified by Government by the weightage ratio allotted to the respective zones as specified below to get the weighted service in years as follows:

- (a) Weighted service for A category schools = the completed number of years of service rendered in all cadres in the zone x 1.00.
- (b) Weighted service for B Category schools = the completed number of years of service rendered in all cadres in the zone x 1.50.
- (c) Weighted service for C category schools = the completed number of years of service rendered in all cadres in the zone x 2.00.

(3) The teachers with more weighted service shall be considered above the teachers with the lesser weighted service while preparing the priority list.. In case of tie, the seniority of individual shall be taken into consideration. In case of tie in seniority also, the older in age shall be placed above the younger in age.

NOTE: In the cases of married teachers, the following order of priority, namely:-

- (a) The cases where both husband and wife are Government servants.
- (b) Cases where either husband or wife, one of them is not in Government service.
- (c) Other cases.

(4) The Competent Authorities should prepare the provisional priority list as explained above and the same should be notified on the Notice Board and on the departmental website giving 5 days time for submission of objections. After receiving objections from the teachers, the same shall be examined and may either be considered or rejected on merit.

8. General instructions regarding Transfers through computerized counselling.- All transfers and redeployment of teachers shall be made only through computerized counselling as follows:

- (1) General transfers should be done only in the months of April and May of every year.

- (2) Transfers of teachers in public interest shall be done as per Section 5 of the Act.
- (3) Transfers of teachers who have not satisfactorily completed their probationary period shall not be done under any circumstances.
- (4) Inter district transfers have to be considered as laid down in rule 16-A of Karnataka Civil Services (General Recruitment) Rules, 1977.
- (5) Transfers of teachers from one unit of seniority to another unit of seniority shall be done in accordance with the provisions of Section 6 of the Act.
- (6) Transfers shall be carried out to vacant posts only, except in the cases relating to transfers in public interest.
- (7) Excess posts or excess teachers with posts shall not be redeployed without the prior approval of the competent authority.
- (8) The transfers of part time teachers and pre-primary school teachers working in primary schools shall not be considered.
- (9) In order to examine the certificate submitted by the handicapped persons, a senior surgeon deputed by the District Medical Officer shall be present in the counselling. The cases with doubts shall be referred to District Medical Officer and the decision of the District Medical Officer shall be final.
- (10) Where a Teacher is an elected office-bearer, not exceeding 6 per block, district or state level, of the Karnataka State Government Teachers Association or the Karnataka Government Employees Association recognized by Government such Government servant shall not be transferred until the completion of the term for which he has been elected. In case no elections are held within three months of the completion of the said term, he may be transferred. In case he is re-elected, he may be continued in the same place until the completion of the second term. There shall, however, be no bar on transferring him even if he is elected for the third or the subsequent terms. The Competent Authority, before transferring him, shall confirm the fact that he has completed the second term. For this purpose, the Association shall submit a list of its elected office-bearers to the Competent Authorities as soon as they are elected to the Association.

- (11) Subject-wise posts shall not be filled by other subject teachers. It shall be ensured by all competent authorities that according to the staffing pattern, the teachers of,-
- (a) Science, English, Hindi and Physical Education are available in higher primary schools;
 - (b) PCM, CBZ, Arts, Kannada, Hindi and Physical Education are available in secondary schools; and
 - (c) Lecturers of respective subjects are available in Pre University Colleges.
- (12) The carrying out of transfers through manual counselling is prohibited. If transfers are done through manual counselling they will be considered as “null and void” and officers who are responsible for such transfers are liable for disciplinary action.
- (13) The total number of transfers on requests and in public interest excluding mutual transfers shall not exceed 5% and the total number of transfers outside the unit of seniority shall not exceed 1% of the total cadre strength of the unit.

9. Transfers on the basis of complaints: The instructions of Para 7 (f) of Government Order No. DPAR 4 STR 2001 dated 22.11.2001 shall be followed in the cases of transfers on the basis of complaint.

10. Mutual transfers.- (1) Requests for mutual transfers of teachers can be considered if their probationary period is declared as satisfactory.

(2) The number of mutual transfers shall not be taken into consideration for calculating the number of transfers to be taken into consideration for determining whether they are within the limit of 5% or 1% as specified above.

(3) All mutual transfers shall be done if and only if both teachers agree for it in writing. This fact shall be ascertained before issuing transfer orders.

11. Procedure for Transfers through computerized counselling.- The applicants on the priority list shall be intimated about the date/s for counselling through press notes, radio and TV announcements. On the date for counselling the applicants shall be called in order of their priority and shall then be asked to choose any one of the vacant posts available at such a session as displayed on the computer screen.

12. Issue of orders.- The Competent Authority shall issue a transfer order on the choice of the applicant then and there, duly deleting that vacancy from the list of vacancies. Copy must be sent to concerned authority and a copy shall be given to the applicant.

13. Completion of counselling.- This exercise of transfer shall be continued till the upper limit of number of transfers be reached or till all the applicants are exhausted within the time frame communicated by Heads of Departments.

14. Display on the Notice Board.- The list of the teachers transferred, indicating the places of transfer against their names shall also be displayed on the notice board. No transfer shall be made after the list is displayed. If any transfers are made after display of the list, the Competent Authority concerned shall be held personally responsible and disciplinary action shall be taken against them.

15. Relief.- The teachers, who got transfer orders, shall be relieved by the competent authority only after verifying their service particulars.

16. Request transfers outside the unit of seniority through counselling.- (1) As regards transfers relating to outside the units of seniority, the relevant provision contained in the Government Order No. ED 298 DPI 2005 dated 04.05.2005 shall be followed.

(2) As soon as the transfers at the district level through counselling are completed, the Competent Authority shall give the information relating to the remaining vacant posts in the district and requests for inter district transfers to the respective officers as detailed below;

Sl. No.	Division	Officer
1.	Gulbarga division	Director of Public Instruction, Office of the Additional Commissioner for Public Instructions, Gulbarga. /Commissioner for Pre University Education, Bangalore
2.	Belgaum division	Director of Public Instruction, Office of the Additional Commissioner for Public Instructions, Dharwad. /Commissioner for Pre University Education, Bangalore.
3.	Mysore division	Director (Secondary Education), Office of the Commissioner for Public

		Instruction, Bangalore./ Commissioner for Pre University Education, Bangalore
4.	Bangalore division	Director (Primary Education), Office of the Commissioner for Public Instructions, Bangalore/ Commissioner for Pre University Education, Bangalore

(3) Separate form is specified for inter unit transfer.

(4) After completion of transfers at divisional level, the respective Directors shall furnish the information relating to remaining vacant posts to the Heads of Departments concerned.

(5) Inter unit transfer shall be done to the vacant posts of schools of A and B zones through counseling. Inter unit transfers shall not be done to the schools of C zone.

17. Responsibility of the officers.- The Competent Authority concerned shall ensure that the above rules are observed while effecting transfers and they shall be personally held responsible for any deviations and disciplinary action will be taken to impose major penalty against such officers.

18. Powers of Heads of Department.- Heads of Department are empowered to effect the transfer of teachers during the academic year only in the following cases, namely –

- (a) In the event of disciplinary action in lieu of suspension;
- (b) Consequent on promotion;
- (c) Consequent on the re-deployment of surplus posts and teachers, if any.

By the Order and in the name of
President of India

(B.H. PADASALAGI)
Under Secretary to Government,
Education Department

To,

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5. All the Deputy Directors of Public Instruction/Pre-university Education
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