

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ESTABLISHMENT – Provision of Personal Assistants to Members of Legislative Assembly –
Amendment – Orders - Issued.

GENERAL ADMINISTRATION (SR) DEPARTMENT

G.O.Ms.No. 653

Dated:13 .12.2011
Read :

G.O.Ms.No. 476, G.A. (SR) Dept., dt: 18.12.2001.

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ORDER:-

In the reference cited, orders were issued for appointment of P.As to Hon'ble MLAs by drafting personnel including technical personnel upto the cadre of Senior Assistants working in Government Departments, including Departments not under the District Administration like Jails, Colleges etc., and also from the Local Bodies and State Government Public Undertakings/Corporations.

The Govt. have reviewed the matter relating to appointment of Teachers as P.As to Hon'ble Legislators, keeping in view of the Right of Children to Free and Compulsory Education Act, 2009 which has come into force w.e.f. 01.04.2010 and it has been decided not to depute Teachers as P.As to Hon'ble Legislators under the provision (27) of Chapter IV. Accordingly the following amendment is issued to the orders in G.O.Ms.No. 476, G.A. (SR) Department, dt: 18.12.2001.

AMENDMENT

In the orders issued in G.O.Ms.No. 476, G.A. (SR) Department, dt: 18.12.2001 at para 4 (ii) after the words, State Government Public Undertakings/Corporations, the following shall be substituted:

“except all Teachers i.e., SGTs/SA/LFLHMs /Language Pandits/HMs etc.”

The orders issued will come into force with immediate effect.

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

J. C. SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT (Accom.)

To
All District Collectors,
All M.L.As,
The Secretary to Legislature, APLA, Hyderabad,
The All Heads of Departments,
The Director of Treasuries and Accounts, Hyderabad
The Pay & Accounts Officer, Hyderabad,
The Accountant General, Hyderabad,
The District Treasury Officers,
The Fin. & Plg. (FW. EBS/PSC/TA) Department,
The P.S. to Prl. Secretary to C.M.
The P.S. to Speaker, A.P.L.A.

(P.T.O)

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All the P.Ss to Ministers,
The P.S to Chief Secretary,
The P.S. to Prl. Secretary to Govt. (Accom.)
The P.S. to Prl. Secretary (Political),
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

ESTABLISHMENT – Provision of Personal Assistants to Members of Legislative Council –
Amendment – Orders - Issued.

GENERAL ADMINISTRATION (SR) DEPARTMENT

G.O.Ms.No. 654

Dated:13 .12.2011

Read:

G.O.Ms.No. 473, G.A. (SR) Department., dt: 04.07.2007.

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ORDER:-

In the reference cited, orders were issued for appointment of P.As to Hon'ble MLCs by drafting personnel including technical personnel upto the cadre of Senior Assistants working in Government Departments, including Departments not under the District Administration like Jails, Colleges etc., and also from the Local Bodies and State Government Public Undertakings/Corporations.

The Govt. have reviewed the matter relating to appointment of Teachers as P.As to Hon'ble Legislators, keeping in view of the Right of Children to Free and Compulsory Education Act, 2009 which has come into force w.e.f. 01.04.2010 and it has been decided not to depute Teachers as P.As to Hon'ble Legislators under the provision (27) of Chapter IV. Accordingly the following amendment is issued to the orders in G. O. Ms. No. 473, G.A. (SR) Department, dt: 04.07.2007.

AMENDMENT

In the orders issued in G. O. Ms. No. 473, G.A. (SR) Department, dt: 04.07.2007 at para 4 (ii) after the words State Government Public Undertakings/Corporations, the following shall be substituted:

“except all Teachers i.e., SGTs/SA/LFLHMs /Language Pandits/HMs etc.”

The orders issued will come into force with immediate effect.

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

J. C. SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT (Accom.)

To
All District Collectors,
All M.L.Cs,
The Secretary to Legislature, APLA, Hyderabad,
The All Heads of Departments,
The Director of Treasuries and Accounts, Hyderabad,
The Pay & Accounts Officer, Hyderabad,
The Accountant General, Hyderabad,
The District Treasury Officers,
The Fin. & Plg. (FW. EBS/PSC/TA) Department,
The P.S. to Prl. Secretary to C.M.
The P.S. to Speaker, A.P.L.A.

(P.T.O)

All the P.Ss to Ministers,
The P.S to Chief Secretary,
The P.S. to Prl. Secretary to Govt. (Accom.)
The P.S. to Prl. Secretary (Political),
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
PRIMARY EDUCATION (PE-SSA) DEPARTMENT

From:
Smt V.Usha Rani, I.A.S.,
Implementing Authority of RTE Act
& State Project Director,
Rajiv Vidya Mission (SSA),
Andhra Pradesh, Hyderabad.

To
All The Dist.Collector &Dist Magistrates,
in the State.

Lr Rc No 3105/RVM (SSA)/RTECELL/2014, Dated:31-05-2014.

Sir/Madam

Sub:- RVM (SSA) – RTECELL –Prohibition of deployment of teachers for non-educational purposes as per the instructions issued in the RTE Act 2009 – Regarding

Ref:- 1. The Right of Children to Free and Compulsory Education Act 2009 of the Government of India.
2. The AP Right of Children to Free and Compulsory Education Rules 2010 issued in G.O Ms No 20 School Education (PE-Progs.I) Department, dated: 03-03-2011 and notified in Gazette No. 10 dated: 05-03-2011.
3. Procs Rc No 2458/D1-4/2012, Dated: 22-4-2014 of the Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.

I am to inform the Dist. Collector & Dist. Magistrates, DEOs and Project Officers, RVM (SSA) in the state that it is brought to the notice of the undersigned that some of the teachers are working in District Offices, MPs, MLAs, and MLCs, Chairmen's of Corporations etc on deputation basis claiming salary from school point.

In this regard this is to inform that in the RTE Act 2009, prohibits deputing teachers for non educational purposes.

a) Rule 25 (2) of RTE Act 2009 read as follows: "for the purpose of maintaining the Pupil-Teacher Ratio under sub-section (i) no teacher posted in a school shall be made to service in any other school or office or deployed for any non-educational purpose, other than those specified in section 27"

b) Rule 27 of the RTE Act 2009 read as follows "No Teacher shall be deployed for any non-educational purpose other than the decennial population census, disaster relief duties or deputed related to elections to the local authority or State legislators or Parliament as the case may be."

In the procs 3rd cited, the Commissioner & Director of School Education, Andhra Pradesh, Hyderabad issued instructions to all the DEOs/RJDSEs/POs of RVM (SSA) in the State to follow the instructions scrupulously and any deviation will be viewed seriously.

Now many RTE activists, Activist Institutions are filing cases in the Hon'ble High Court, Hon'ble Supreme Court of India and Lokayukta about deputation of teachers from schools.

I therefore request the Dist. Collector & Dist. Magistrates in the state to see that no teacher is deputed to work on deputation basis to any of the MPs, MLAs, MLCs and Chairmen's of Corporation's peshi etc for any non-educational purpose against the provisions of the RTE Act 2009.

Yours faithfully,


STATE PROJECT DIRECTOR &
IMPLEMENTING AUTHORITY OF THE ACT,
ANDHRA PRADESH, HYDERABAD.


Copy to all the RJDSEs, DEOs and POs of RVM (SSA) in the State with a similar request.

PROCEEDINGS OF THE COMMISSIONER OF SCHOOL EDUCATION,
ANDHRA PRADESH, HYDERABAD

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

Rc.No.249/Estt.IV/2014

Dated :29-07-2016

Sub: School Education – Right of children to Free and compulsory Education Act 2009 – Provision of Personal Assistants to MPs, MLAs and MLCs – Prohibition – Instructions – Issued – Regarding.

Read: 1. Right of children to Free and compulsory Education Act 2009 issued Act 35 of 2009 by the Government of India.
2. G.O.Ms.No.20, School Education (PE-Prog.I) Department, Dt:03.03.2011
3. G.O.No.653 GAD (SR) , dt. 13.12.2011
4. G.O.Ms.No.654, GAD (SR) Dept., dt. 13.12.2011.
5. The Hon'ble Supreme Court of India in COMT.PET.(C) No.532/2013 in WP (C) No.631/2004 has ordered on 13.07.2016.

All the Regional Joint Directors of School Education and District Educational Officers in the State are informed that, Government of India enacted Right of children to Free and compulsory Education Act 2009, which has come into force from 01.04.2010. As per Section 25(2) of the Act "for the purpose of maintaining the Pupil Teacher Ratio under sub-section (i) no teacher posted in a school shall be made to service in any other school or office or deployed for any non-educational purpose, other than those specified in section 27". As per section 27 of Act "No teachers shall be deputed for any non-educational purpose, other than decennial population census, disaster relief duties or duties relating to elections to the local authority or State Legislator or Parliament as the case may be"

The Government of Andhra Pradesh also issued orders in G.O.No.653 GAD, dt. 13.12.2011 and G.O.Ms.No.654, GAD (SR) Dept., dt.13.12.2011 amending orders issued in G.O.No.473 GAD (SR), dt.04.07.2007 "not to depute SGTs/SA/LFL HM/LPs HMs as P.A. to MLA's and MLC's and Chairman's etc. for non-education purpose against the provision of RTE Act 2009"

In spite of clear under RTE, 2009 rules, it is noticed that, some of the teachers are working as Personal Assistants to MPs/MLAs/MLCs/Ministers on deputation basis and claiming salary at School point. As on date 65 teachers are working on deputation with Public Representatives.

Government Deputations	-	37
DEO deputations	-	28
Total	-	65

District wise status indicated in the table in the Annexure.

Now, the Hon'ble Supreme Court of India in COMT.PET.(C) No.532/2013 in WP (C) No.631/2004 has ordered on 13.07.2016 that "we must state without any kind of hesitation that teachers could not have been sent on deputation to function as Private Secretaries of the members of the Legislative Assembly or Ministers. If anyone is deputed, he must be immediately sent back".

Therefore, all the Regional Joint Directors of School Education and District Educational Officers in the State are instructed to withdraw all such teachers so deputed and also "not to depute SGTs/SA/LFL HM/LPs HMs as P.A. to MLAs, MLC's, MP's, Minister's and Chairman's etc. for non-education purpose against the provision of RTE Act 2009" and as per orders of Supreme Court of India, New Delhi.

K. SANDHYA RANI
Commissioner of School Education

To

All the Regional Joint Directors of School Education and District Educational Officers in the State

Copy to all the Collectors & District Magistrates in the State.

Copy submitted to the Principal Secretary to Government, General Administration (SR) Department, Government of Andhra Pradesh, Hyderabad for information and necessary action.

Copy to State Project Director, SSA (RVM), Andhra Pradesh, Hyderabad for information.

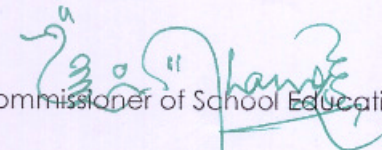
SC.

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

K. Krishna Kumar
SUPERINTENDENT

THE PARTICULARS OF THE TEACHERS WHO ARE WORKING ON DEPUTATION as
P.A. to MLA's MLC's, MP's, Minister's and Chairman's etc.,
(As per the report of the DEO)

Sl. No.	District	PA to Public Representatives	Other Deputations	Total
1	Srikakulam	3	1	4
2	Vizianagaram	6	0	6
3	Visakhapatnam	3	2	5
4	East Godavari	1	0	1
5	West Godavari	5	0	5
6	Krishna	3	0	3
7	Guntur	1	0	1
8	Prakasam	0	13	13
9	Nellore	2	0	2
10	Ananthapuram	5	4	9
11	Chittoor	6	0	6
12	Kurnool	0	0	0
13	YSR Kadapa	2	8	10
GRAND TOTAL:		37	28	65


for Commissioner of School Education

teachersneed.info