

No. ED 200 PMC 99

Karnataka Govt. Secretariat,
Education Department,
Multistoried Building,
Dated: 3-2-2000.

CIRCULAR

Subject: Identification of excess teachers in aided educational institutions, their re-allocation as per Karnataka Educational Institutions (Terms & Conditions of Service of employees of private aided primary and secondary institutions) Rules, 1999.

- Ref: (i) Circular No ED 112 PMC 99 dated 1.6.99
(ii) Government Letter No ED 199 PMC 99 dated 15.11.99
(iii) Circular No ED 112 PMC 99 dated 16.11.99
(iv) High Court Order dated 9.12.99 in Writ Petition No 357/97 and connected cases
(v) Notification No ED 52 ViViDa 99 dated 2.2.2000

Background

1. In the month of February 1999 serious irregularities were noticed in Gulbarga district in schools run by private management, especially Jagdamba Management. It was observed that schools run by Jagdamba Management had teachers far in excess of the student strength. Following these irregularities in Gulbarga, similar inspections were conducted in Bijapur and Bidar districts, and other irregularities noticed, which included appointment of teachers in violation of roster norms, opening of additional sections under the ruse of natural growth without adequate student strength, as also poor and inadequate infrastructure for running educational institutions. Based on these inspections, and citing the example of Gulbarga district, the Department of Education issued a circular to all DDPIs on 1.6.99 (copy attached), informing them of the seriousness and magnitude of the problem, and requesting them to conduct inspections of grant in aid institutions in their districts, to identify schools where the number of teachers appointed in aided institutions is not commensurate with the student strength, and to take steps to stop salaries of such teachers. The prescribed teacher-student strength is 1:40:50 in respect of primary schools through out the state. The prescribed minimum number of children attending in each class of secondary schools from Standard VIII to X is 25 in each section of each class. Additional sections are sanctioned for a class only if the actual attendance of children in a section is more than 70.
2. It may be noted that these inspections have been conducted throughout the state. At one time it was estimated that almost 3000 teachers throughout the state had not been paid salary for the month of October. Keeping the fact that teachers had been put to undue hardship through the arbitrary stoppage of their salary, government issued instructions on 16.11.99 to examine the issue of stoppage of salary on a *case by case* basis, rather than in an arbitrary, adhoc manner, resulting in harassment to teachers. A copy of the government circular is attached and has been acted upon at the field level.
3. Simultaneously, the issue was discussed in a meeting with DDPIs on 11.11.99, and DDPIs prepared a time bound schedule for obtaining accurate and upto date information on the teacher-student ratio in the aided and government institutions. The DDPIs agreed to the following schedule of activities, namely:

Sl No	Activity	Date
1	Constituting teams for inspections of all aided institutions in the district	15.11.99
2	Conducting orientation for the teams	17.11.99
3	Allocation of schools to the teams for conducting inspection	17.11.99
4	Working out route maps for the teams to visit every institution	17.11.99
5	Conducting inspection	18.11.99-23.11.99
6	Verification of inspection	25.11.99
7	Data entry	26.11.99-
8	Submitting information on floppy to the CPI's office.	29.11.99

4. Based on the data collected through the above inspections, the following number of provisional ex teachers have been identified in each district:

Sl No	District	Excess Primary		Excess Secondary	
		Scho ols	Teachers	Schools	Teachers
1	Bangalore (N)	159	835	42	231
2	Bangalore (R)	5	10	59	239
3	Bangalore (S)	184	534	76	566
4	Chitradurga	20	34	94	245
5	Davangere	25	69	87	245
6	Kolar	38	184	18	112
7	Shimoga	22	54	41	130
8	Tumkur	22	46	172	473
9	Bagalkot	21	73	46	120
10	Belgaum	36	132	128	409
11	Bijapur	35	85	28	91
12	Dharwad	17	28	79	193
13	Gadag	6	15	32	98
14	Haveri	10	20	74	219
15	Uttara Kannada	11	22	47	97
16	Bellary	7	15	8	35
17	Bidar	118	579	52	309
18	Gulbarga	72	159	27	87
19	Koppal	1	3	19	51
20	Raichur	4	15	13	91
21	Chamarajanagar	2	2	13	71
22	Chickmagalore	1	2	71	200

	Dakshina Kannada	36	50	47	84
24	Hassan	4	6	73	192
25	Kodagu	3	9	21	45
26	Mandya	3	7	21	93
27	Mysore	25	58	34	69
28	Udupi	68	125	29	64
	Total	955	3179	1451	4868

5. In addition, the High Court of Karnataka vide its order dated 9.12.99 in Writ Petition No 3547/97 and connected cases has observed various irregularities committed in the sanction of grants to aided institutions, and has directed that:

"The respondent-state shall on the basis of inspections conducted pursuant to its circular dated 1.6.99 identify aided private educational institutions which do not possess the minimum infrastructural facilities prescribed for such institutions in terms of the GIA code and the rules framed under the Education Act and initiate proceedings under Section 53 of the ACT for withdrawal of aid to such institutions. It may consider appointing a special task force in this regard to expedite inspections, verifications, tabulation of data and evaluation of facilities and deficiencies reported in such institutions. The needful shall be done expeditiously and as far as possible within a period of six months from today"

6. Further, Government vide gazette notification no ED 52 ViViDa 99 dated 2.2.2000 has published the Karnataka Education Institutions (Terms & Condition of Service of Employees in Private Educational Institutions) Rules, 1999, which inter alia provides for retrenchment and allotment of employees from one aided institution to another.

Future Steps:

7. Keeping in view the above background the Commissioner for Public Instruction and the Deputy Directors of Public Instruction in the districts shall take the following steps in order to ensure that (a) teachers are not put to arbitrary hardship and (b) schools are not stopped in villages where there are adequate children enrolled and attending.

a) Send to each DDPI a computer generated list of schools with the name of the management in the concerned district, where there is evidence of excess teachers. This list will be sent to the districts by 7.2.2000

b) On receipt of this list the DDPI will issue individual notice to the concerned management. In addition the DDPI shall issue notices to other aided school managements, where there is evidence of excess teachers. The notice to the management will indicate (i) the number of excess teachers in the concerned school, (ii) ask the management to indicate the names of the junior-most excess teachers medium wise in the case of primary schools and subject wise and cadre wise junior most excess teachers in the case of secondary schools who should be excluded from GIA as per norms given in Annexure-I, (iii) that if the management is running more than one institution within and/or across the districts, they may first undertake redeployment of teachers within the institutions run by it, and thereafter indicate the names of the Junior most excess teacher. Such redeployment shall however be restricted only to regular sanctioned posts. (iv) indicate that managements have 15 days time in which they can respond. (v) in case the managements do not respond within 15 days time it will be

presumed that they have nothing to say and GIA for the entire institution will be stopped. A copy of the draft notice to managements is at Annexure- II. All notices should be issued by 20.2.2000

c) Simultaneously, the CPI will ask the DDPIs to constitute inspection teams to visit every institution/ management to whom notice has been issued. These inspection teams will consist of two headmasters of Government High Schools. In order to ensure complete objectivity in the conduct of inspections, the DDPI will ensure that the members of the inspection teams do not belong to the same block where the inspection is to be held. The DDPI will constitute as many inspection teams as are necessary to complete the entire process within one week. The inspection teams will verify the reply submitted by the management regarding (a) names of junior-most teachers identified as excess as per the norms indicated at Annexure-1, (b) student strength in the said institution. The inspection team will also inspect the infrastructural facilities provided by the managements. The DDPI and BEOs will also conduct spot inspections in order to ensure the accuracy of the inspection conducted by the inspection team. The overall responsibility for the accuracy of the inspection report lies with the DDPI of the concerned district. In case during spot inspection the DDPI \ BEO finds that there are inconsistencies, the DDPI \ BEO will incorporate the correct and accurate information in the said proforma for that institution. A copy of the inspection proforma is at Annexure-III. The inspection will be completed by 15.3.2000

d) CPI will also ensure development of a computer programme for generating a seniority list of excess teachers, which will be based on the date of approval of appointment with aid and date of birth in the case of aided primary school teachers and date of approval of appointment, with aid, date of birth and subject in the case of aided secondary school teachers. This programme will also provide for creating a database with regular sanctioned vacancies in aided schools in the districts that were established and started prior to 1.6.1987 and having adequate students strength. The basis for calculating regular sanctioned vacancies shall be - (i) Regular vacancies arising as on or after 1.6.99 (ii) regular sanctioned vacancies that have occurred prior to 1.6.99 and are vacant as on 1.6.99. (iii) vacancies occurred prior to 1.6.99 but filled up without obtaining prior permission of the competent authority. This computer programme will be made available by CPI on floppy to all DDPIs by 15-03-2000. The DDPIs will be invited for an orientation on its use by the computer cell of the CPI's office.

e) The DDPI will ensure that data entry in respect of all excess aided school teachers is made according to the computer programme supplied by the CPI and a district wise seniority list of excess teachers generated. Such excess teachers shall not include teacher of private education institution started on or after 1.6.87 and which were wrongly admitted to grant in aid by Zilla Parishad in contravention of the GIA policy. Simultaneously, a list of aided schools with regular sanctioned vacancies in the district will also be generated. Such a list of aided schools with regular sanctioned vacancies shall include only those schools which were started prior to 1.6.1987 and admitted to grants by the Competent Authority. DDPIs must ensure that on no account, are schools which were wrongly admitted to grant included in the list of such schools. A provisional seniority list of such excess teachers based on norms prescribed in Annexure-1, and list of schools with regular sanctioned vacancies will be published by 30.3.2000. The DDPI will invite objections to this list; consider the objections and publish a final list by 15.4.2000 after obtaining the approval of CEO. After obtaining the CEOs approval the DDPIs will send the final list and the complete data base in 2 sets of floppy to the CPI. This material shall reach the CPI by 20.4.2000. Simultaneously the DDPI will issue direction to the management individually to retrench the excess teachers as per the provisions of Rule 11 of the Karnataka Educational Institutions (Terms and conditions of the services of employees in private aided primary & secondary educational institutions) Rules 1999. Action may be taken to withdraw the salary of such excess teachers.

The CPI through the Director Primary and Director Secondary respectively will then generate a Counselling schedule for excess teachers; invite the teachers as per the seniority list generated for identifying their place of work from the list of schools with regular sanctioned vacancies. The Director, Primary & Secondary will give wide publicity to the Counselling schedule.

Based on the Counselling schedule the Director of Public Instruction (Primary) & (Secondary) as the case may be will direct the concerned management to issue appointment orders to such teacher as per the procedure prescribed in the Karnataka Educational Institutions (terms and conditions of services of employees in private aided primary and secondary educational institutions) Rules, 1999.

The Counselling will be on daily basis depending on the number of excess teachers and the number of posts. The process of Counselling will conclude once the available post of regular sanctioned vacancies or excess teachers whichever is earlier, are exhausted.

Till such time as all excess teachers in aided institutions are re-alloted, the ban on fresh recruitment imposed w.e.f. 1-6-99 in respect of private aided institutions shall continue.



(Anita Kaul)
Secretary to Government,
Primary & Secondary Education,
Education Department.

Annexure I:

Norms for identifying excess teachers in aided institutions

1. Make a list of all teachers working in the institutions who have been admitted to grant.
2. (a) In the case of primary school, sort out the list medium wise according to the date of approval of the teacher's appointment with aid by the department in descending order. In other words, the senior-most teacher in each medium will be on the top of the list.
(b) In the case of the Secondary list, sort out the list medium and subject wise according to the date of approval of the teachers appointment with aid by the department in descending order. In other words, the senior most teacher in each medium will be on the top of the list.
3. (a) For primary schools, Compute the required number of teachers in the concerned school according to the teacher pupil ratio specified in para 1 of the circular. In other words, calculate the requirement as one teacher for every 40 attending children.
4. In the case of secondary schools having more than one section per class, verify whether additional sections have been sanctioned only after the prescribed strength of 70 students in the original section has been exceeded.
5. Calculate the requirement of teachers in secondary schools with 3-5 sections as per the standard staffing pattern indicated in the table below:

Sl. No.	Post	Number	Details
1	Head Master/Mistress	1	Among those and including HM, there shall be one PCM and One CBZ teacher and two teachers for social studies and English.
2	Asst. Master	3	details given as above
3	Language Teacher	1	As per the medium of instructions viz. Kannada, Urdu, Tamil, Marathi etc.,
4	Craft Teacher	1	
5	PE Teacher	1	
6	Hindi Teacher	1	If taught as compulsory subject
7	Kannada teacher	1	Over and above staffing pattern in Marathi and Urdu medium school only.
8	Sanskrit Teacher	1	If provided over and above staffing pattern.

(a) In case of secondary schools having more than 5 sections, subject to the condition indicated in 2b, calculate the required number of teachers at the rate of 1.5 teachers per section.

For eg. If there are 6 sections in a Kannada high school, where Hindi is taught as a compulsory subject, the school will be entitled for 9 teachers+1 HM.(1 HM+5 Ams+1 Language Teacher+1 PE Teacher+1 Craft Teacher+1 Hindi Teacher). In the same example, if the school is also offering Sanskrit, then the school will be entitled to an additional Sanskrit teacher (Totally 11 teachers).

6. Enter the above information through the software provided by the CPI>
7. The computer will identify the junior-most appointed teacher medium wise based on the date of approval of appointment with aid, date of birth in the case of primary schools, and additionally subject wise in the case of High Schools.
8. The computer will also generate a consolidated list of excess teachers for the entire district separately for primary and secondary schools.