

THE ANDHRA PRADESH SCHOOL EDUCATION TEACHERS AND OTHER
EMPLOYEES (ABOLITION OF EXISTING SERVICE CADRES AND
REGULATION OF RECRUITMENT AND CONDITIONS OF SERVICE) ACT,
2005

ACT No. 27 OF 2005

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EMPLOYEES (ABOLITION OF EXISTING SERVICE CADRES AND
REGULATION OF RECRUITMENT AND CONDITIONS OF SERVICE) ACT,
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ACT No. 27 OF 2005

[27th October, 2005]

AN ACT TO PROVIDE FOR RESTRUCTURING AND RECONSTITUTION
OF SERVICE CADRES OF TEACHERS WORKING IN
GOVERNMENT AND MANDAL PARISHAD AND ZILLA PARISHAD
SCHOOLS AND OTHER EMPLOYEES OF SCHOOL EDUCATION
DEPARTMENT AND MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.

Whereas, the conditions of service of teachers of Government schools were governed by the Andhra Pradesh Educational Subordinate Service Rules issued in G.O.Ms.No.78, G.A. (Rules) Department, dated 10-1-1962;

And whereas, the conditions of service of teachers under the control of the Zilla Parishad and Panchayat Samithi Schools were governed by the rules issued in G.O.Ms.No.936, Planning and Local Administration (S&P) Department, dated 17-7-1962 and G.O.Ms.No.33, Panchayat Raj Department, dated 25-1-1966;

And whereas, the services of the teachers of the Panchayat Samithis and Zilla Parishads were provincialised vide G.O.Ms.No.168, Panchayat Raj Department, dated 20-3-1981 and the services of the teachers working in the Zilla Parishad and Mandal Parishad Schools were brought under Andhra Pradesh Educational Subordinate Service Rules through issuance of G.O.Ms.No.278, Education, dated 20-6-1983 duly amending G.O.Ms.No.78, G.A. (Ser.I) Department, dated 10-1-1962;

And whereas, the rules were issued merging the cadres of teachers working in the Government, Zilla Parishad and Panchayat samithi Schols in G.O.Ms.No.40, Education (Services. II) Department, dated 7-2-1992;

And whereas, the said rules were challenged before the Honourable Andhra Pradesh Administrative Tribunal in O.A.Nos.3343 of 1992 and batch;

And whereas, the Andhra Pradesh Administrative Tribunal while disposing the said O.As. on 30-7-1997 directed the Government to review the said rules and rectify the discrepancies;

And whereas, the Government have accordingly issued revised rules governing the service conditions of teachers working in Government and Mandal Parishad and Zilla Parishad Schools called the Andhra Pradesh Educational Subordinate Service Rules in G.O.Ms.No.538, Education, dated 20-11-1998;

And whereas, the Government also issued the Andhra Pradesh Education Service Rules governing the Service Conditions of the Gazetted Officers in G.O.Ms.No.505, Education, dated 16-11-1998 in supersession of G.O.Ms.No.259, G.A. (Rules) Department, dated 9-2-1962;

And whereas, the revised rules issued in G.O.Ms.No.505, Education, dated 16-11-1998 and G.O.Ms.No.538, Education, dated 20-11-1998 were challenged before the Hon'ble Andhra Pradesh Administrative Tribunal in O. A.Nos.8313 of 1998 and batch;

And whereas, the Andhra Pradesh Administrative Tribunal in its order, dated 14-5-2000 upheld the validity of the rules issued in G.O.Ms.No.505, Education, dated 16-11-1998 and in G.O.Ms.No.538, Education, dated 20-11-1998 but set aside the rules relating to giving retrospective effect to the rules issued in G.O.Ms.No.505, dated:16-11-1998;

And whereas, the Division Bench of the Hon'ble High Court of Andhra Pradesh in its judgment in W.P.Nos.11325 of 2000 and batch dated 18-9-2003 quashed the Andhra Pradesh Educational Subordinate Service Rules issued in G.O,Ms.No.538, Education Department, dated 20-11-1998 and restored the rules framed by the Government in G.O.Ms.No.278, Education, dated 20-06-1983;

And whereas, the High Court declared the rules issued in G.O.Ms.No.505, Education Department, dated 16-11 -1998 as invalid to the extent of the posts covered by G.O.Ms.No.529, Education dated 14-5-1976;

And whereas, the Government filed SLP Nos.9467-82 of 2004 in the Honourable Supreme Court of India challenging the said judgment of the High Court;

And whereas, the said SLP is pending before the Apex Court;

And whereas, the District Selection Committees, 2003 (DSC) have selected 16,449 candidates for appointment as teachers and their appointments could not be made for want of integration of cadres for the teachers working in Government Schools, Mandal Parishad and Zilla Parishad Schools;

And whereas, the exercise of rationalisation of teacher posts, transfers and promotions of teachers could not be undertaken which is adversely affecting education of the children in schools;

And whereas, all the children up to the age of 14 years are to be enrolled, retained in schools and they are to be provided quality education by 2010 under Sarva Siksha Abhiyan programme;

And whereas, 93% of teachers are in Mandal Parishad and Zilla Parishad Schools and only 7% are in Government Schools;

And whereas, the Constitutional obligation of providing free and compulsory education to all the children up to the age of 14 years could be better achieved by bringing all the teachers holding civil posts into one administrative fold for proper monitoring and supervision;

And whereas, the Government intends to remove disparities and bring about uniformity in the service conditions of teachers working in the schools belonging to Government, Mandal Parishad and Zilla Parishad;

And whereas, the State by appropriate Act and rules is entitled to amalgamate or bifurcate departments and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as to reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts;

And whereas, Government considered it necessary to abolish the existing cadres of teachers and other employees in School Education Department and reconstitute them into new cadres by undertaking a legislation.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth year of the Republic of India as follows:-

1. Short title, application and commencement - (1) This Act may be called the Andhra Pradesh School Education Teachers and other Employees (Abolition of existing service cadres and Regulation of recruitment and conditions of service) Act, 2005.

(2) It applies to the teachers working in Government, Mandal Parishad and Zilla Parishad Schools, and other employees working in the Department of School Education as mentioned in the schedules I and II.

(3) It shall be deemed to have come into force on the 13th June, 2005.

2. Definitions - In this Act, unless the context otherwise requires, -

(1) 'Notification' means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly.

(2) 'Other employees' means the employees working in the department of School Education as specified in the Schedule I.

(3) 'Prescribed' means prescribed by rules made under this Act.

(4) 'School' means a Primary, Upper Primary, or High School under the management of Government, Mandal Parishad and Zilla Parishad.

(5) 'Teacher' means a teacher working in Government School, Mandal Parishad School and Zilla Parishad School on regular basis as mentioned in Schedule II including the Gazetted Headmasters Grades I and II but does not include any part-time teacher or Vidya Volunteer or any other Part-time teaching staff by whatever name they are called.

3. Abolition of cadres of teachers - (1) Notwithstanding anything contained in any other law for the time being in force, the existing cadres of teachers working in Government, Mandal Parishad and of Zilla Parishad Schools as mentioned in Schedule II are hereby abolished.

(2) Notwithstanding such abolition of cadres under sub-section (1), every Teacher shall continue to hold the post on the same remuneration and upon the same terms and conditions and with the same rights and privileges as to Pension, Gratuity and other matters as he would have held prior to abolition until rules are framed under this Act.

4. Abolition of cadres of other employees - (1) Notwithstanding anything contained in any other law for the time being in force, the existing cadres of other employees in the Department of School Education as mentioned in Schedule I are hereby abolished.

(2) Notwithstanding such abolition of cadres under sub-section (1), every such other employee shall continue to hold the post on the same remuneration and upon the same terms and conditions and with the same rights and privileges as to Pension, Gratuity and other matters as he would have held prior to abolition until rules are framed under this Act.

5. Constitution of School Education Service - (1) Notwithstanding anything contained in any other law for the time being in force and consequent on abolition of the cadres under sections 3 and 4, restructured School Education Service cadres for teachers working in Government, Mandal Parishad and Zilla Parishad Schools and for other employees working in School Education Department are hereby constituted ¹[the teachers and other employees is continuing in the posts under sub-section (2) of Section 3 and sub-section (2) of Section 4 shall stand transferred to the restructured cadres].

(2) Upon Constitution of such service cadres under sub-section (1) the Government shall have power to make rules to regulate the classification, manner of recruitment, methods of appointment, conditions of service, pay and allowances and discipline and conduct of the teachers and other employees.

6. Bar of Jurisdiction - No order passed or proceedings taken under the provisions of this Act shall be called in question in any Court, in any suit, or application and no injunction shall be granted by any Court in respect of any action taken or about to be taken in pursuance of any power conferred by or under this Act.

¹. Added by the Act No.11 of 2006, S.2.

7. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such order shall be issued after the expiry of two years from the date of commencement of this Act.

8. Power to give directions - The Government may give such directions to the authority as appear to them to be necessary for carrying out any of the provisions of this Act or of any rule, notification or order made thereunder and such authority shall comply with every such direction.

9. Act to over-ride other laws - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

10. Protection of Acts done in good faith - No suit, prosecution or other legal proceeding shall be instituted against the Government or any officer, authority or person empowered exercise the powers or perform the functions by or under this Act for anything which is done in good faith or intended to be done under this Act or under the rules or orders made thereunder.

11 Power to amend Schedules - The State Government, may, if it is of the opinion that it is expedient or necessary so to do by order add to or alter or amend the Schedules and on any such order being issued, the Schedule shall be deemed to have been amended accordingly.

12. Power to make rules - (1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act, shall immediately after it is made be laid before the Legislative Assembly of the State, if it is session and If it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. Repeal of Ordinances 12 of 2005 - The Andhra Pradesh School Education Teachers and other Employees (Abolition of existing service cadres and Regulation of recruitment and conditions of service) Ordinance, 2005 is hereby repealed.

SCHEDULED - I

(Other Employees working in School Education Department)

(1)	:	Deputy Educational Officer
(2)	:	Parishad Educational Officer
(3)	:	Lecturer, State Council of Educational Research and Training/Institute of Advanced Studies in Education/ College of Teacher Education
(4)	:	Senior Lecturer, District Institute of Education and Training
(5)	:	Assistant Director (Non Formed Education)
(6)	:	Statistical Officer
(7)	:	Special Officer (English/Hindi/Urdu)
(8)	:	Special Officer (Oriental Studies)
(9)	:	Lecturer in Physical Education, Government College of Physical Education/institute of Advanced Studies in Education/College of Teacher Education, Inspector of Physical Education, Lecturer in Games and Sports.
(10)	:	Assistant Director
(11)	:	Gazetted Administrative Officer
(12)	:	Assistant Pension Officer
(13)	:	Lecturer in Library Science
(14)	:	Mandal Education Officer, Deputy Inspector of Schools, Project Officer (Non Formal Education)
(15)	:	Lecturer, District Institute of Education and Training
(16)	:	Lecturer in Physical Education, District Institute of Education and Training
(17)	:	Regional Inspector of Physical Education
(18)	:	Lecturer in Art Education, District Institute of Education Training
(19)	:	Supervisors in Science (State Council of Educational Research and Training)
(20)	:	School Guidance Counsellors (State Council of Educational Research and Training)
(21)	:	Officer-in-charge of English Language
(22)	:	Assistant Statistical Officer, Office of the Director of School Education
(23)	:	Assistant Statistical Officer, Office of the District Education Officer
(24)	:	Artist in State Counsel of Educational Research and Training
(25)	:	Junior Deputy Inspector of Schools

(26)	:	Librarian in State Counsel of Educational Research and Training and District-Institute of Education and Training
(27)	:	Librarian in High Schools and District-Institute of Education and Training
(28)	:	Statistical Assistant in District Institute of Education and Training
(29)	:	Film Operator including Film examiner
(30)	:	Book Bearer

SCHEDULED - II

(Teachers working in Government, Mandal Parishad and Zilla Parishad Schools)

(1)	:	Gazetted Head Masters/Head Mistress Grades -1 and II
(2)	:	School Assistants
(3)	:	Staff Tutor in English Language Teaching Centre
(4)	:	Language Pandits Grade -1 (Telugu, Hindi and Urdu etc.)
(5)	:	Physical Director Grade-II
(6)	:	Head Master of Primary School
(7)	:	Secondary Grade Teachers
(8)	:	Language Pandits Grade-II (Telugu, Hindi & Urdu etc)
(9)	:	Vyakarana Pandits.
(10)	:	Sahitya Pandits
(11)	:	Yajurveda Pandits
(12)	:	Samaveda Pandits
(13)	:	Jyothisha Pandits
(14)	:	Physical Education Teachers
(15)	:	Physical Education Teachers (Non formal Education)
(16)	:	Specialist Teachers (a) Art Teachers (b) Drawing Teachers (c) Music Teachers (d) Dance Teachers (e) Yogasana Instructors (f) Manual Training Instructors (Carpentry) (g) Manual Training Instructors (Weaving) (h) Craft Instructors including Textile Printing Instructors, Tailoring Instructors, Carpentry Instructors, Fitter Instructors, Turner Instructors, Moulder Instructors, Blacksmith Instructors and Senior Mechanics (i) Sewing Instructors (j) Sewing/Tailoring and Needle work Instructors (k) Drawing and Sewing Instructors (l) Agricultural Instructors (m) Pre-vocational Instructors
(17)	:	Elementary/Higher Grade Teacher