

PUNJAB VIDHAN SABHA

BILL NO.13-PLA-2021

**THE PUNJAB EDUCATION (POSTING OF TEACHERS IN
DISADVANTAGEOUS AREA) BILL, 2021**

(Bill as passed by the Punjab Vidhan Sabha)

The following Bill was passed by the Punjab Vidhan Sabha:-

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BILL

to provide for regulation to ensure availability of Teachers in educationally Disadvantageous Area and to ensure equitable demand based distribution of Teachers and other vocational staff across the State so as to ensure the equitable distribution of human resources in an optimal manner to protect academic interest of students and maximize job satisfaction amongst employees in a fair and transparent manner and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Education (Posting of Teachers in Disadvantageous Area) Act, 2021. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

(a) "actual vacancy" means a post not occupied by any Teacher, a post which shall become vacant due to retirement, promotion, voluntary retirement as per Pupil Teacher Ratio or otherwise as on the date of publication of vacancies by the Department provided that the posts occupied by the contractual employees shall not be considered as vacant;

(b) "Appointing Authority" means the authority who is competent to make appointments in each cadre of Teachers;

- (c) "Competent Authority" means the Administrative Secretary of the Department of School Education;
- (d) "Department" means the Department of School Education;
- (e) "Disadvantageous Area" means all schools situated in the border districts i.e. Amritsar, Gurdaspur, Ferozepur, Fazilka, Pathankot and Tarn Taran and the educational blocks, where twenty per cent or more posts of Teachers remained during recruitment year;
- (f) "Government" means the Government of Punjab in the Department of School Education;
- (g) "initial appointment" means an appointment of person by way of direct recruitment to the post of Teacher;
- (h) "recruitment year" means a calendar year in which the process of recruitment of Teachers is initiated;
- (i) "School" means any Government run Primary including Pre-primary section, Middle, High and Senior Secondary School or any training institution situated in the State;
- (j) "State" means the State of Punjab;
- (k) "Teacher" means a person holding the post of Pre-primary School Teacher, Elementary Trained Teacher (ETT), Head Teacher (HT), Centre Head Teacher (CHT), Master or Mistress of different subjects, Sikhiya Provider or Education Providers or Education Volunteers, Education Guarantee Scheme (EGS) Volunteers, Alternative and Innovative Education (AIE) Volunteers and Special Training Resource (STR) Volunteers, Lecturer of various subjects and Vocational Lecturer and Vocational Master or Mistress; and
- (l) "transfer" means a transfer of a Teacher made by the appointing authority from one place to another place.

Applicability of the Act.

3. This Act shall be applicable to all initial appointments of Teachers.

Review of Disadvantageous Area.

4. The State Government shall review the Disadvantageous Area every year and may include or exclude any educational block from time to time depending upon the availability of vacancy position in such educational block based on computerized data kept by the Department.

5. The State Government shall notify the list of Disadvantageous Area by 31st January of every calendar year.

Date of notification of list of Disadvantageous Area.

6. (1) No request of such appointees for their transfer during the course of their probation period shall be entertained except in case of widows or physically disabled persons and chronic diseases as defined in the Teachers Transfer Policy framed by the Department as amended from time to time.

Prohibition of request for transfer during probation period.

(2) Such appointees shall become eligible for making application for their transfer against vacant posts only upon completion of the probation period in case there are no posts in the Disadvantageous Area:

Provided that in case, the requisite number of vacancies falling in Disadvantageous Area is less than that of the available candidates for being appointed, then in such eventuality, equal number of candidates to the extent of shortage of vacancies in Disadvantageous Area, shall be offered appointment in area other than the Disadvantageous Area based on their merit position so as to curtail discomfort of meritorious candidates.

7. The State Government shall follow the following method for calculating the vacancy, namely :-

Method of calculation of vacancies.

- (i) the total number of posts sanctioned in every block shall be multiplied by three hundred and sixty-five days;
- (ii) the number of teaching days shall be calculated by multiplying the number of Teachers who remained posted in a block and for the actual number of days during which the Teacher remain posted; and
- (iii) the percentage of vacancies shall be determined by dividing the number of days calculated in clause (ii) during which these posts remained vacant in a block divided by the total number of teaching days available in a block as calculated in clause (i).

8. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as it deems to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

CHANDIGARH:
THE 22ND MARCH, 2021

SHASHI LAKHANPAJ. MISHRA,
SECRETARY.