

KARNATAKA ORDINANCE NO. 4 OF 2006
**THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFER OF
TEACHERS) ORDINANCE, 2006**

Arrangement of Sections

Sections:

1. [Short title and commencement](#)
2. [Definitions](#)
3. [Compulsory transfer of a teacher to rural areas](#)
4. [Prohibition of transfer of a teacher from one unit of seniority to another unit of seniority](#)
5. [Penalties](#)
6. [Cognizance of offences](#)
7. [Ordinance to override other laws](#)
8. [Power to remove difficulties](#)
9. [Power to amend the Schedule](#)
10. [Protection of action taken in good faith](#)
11. [Power to make rules](#)
12. [Transitory provisions](#)

[SCHEDULE](#)

KARNATAKA ORDINANCE NO. 4 OF 2006

(Promulgated by the Governor of Karnataka in the fifty-seventh year of the Republic of India and first published in the Karnataka Gazette Extra-ordinary on the Fourteenth day of December, 2006)

THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFER OF TEACHERS) ORDINANCE, 2006

An Ordinance to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government schools and Pre-University colleges in rural areas.

Whereas both Houses of the State Legislature are not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government schools and Pre-University colleges in rural areas and for the matter connected therewith or incidental thereto.

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, T.N.Chaturvedi, the Governor of Karnataka am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka State Civil Services (Regulation of transfer of teachers) Ordinance, 2006.

(2) It shall come into force at once.

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

- (a) "appointment" means appointment by direct recruitment, by absorption or by promotion;
- (b) "appointing authority" means the authority competent to make appointment to the post of a teacher;
- (c) "competent authority" means the authority competent to make orders of transfer of a teacher;
- (d) "Pre-University college" means Pre-University colleges belonging to the State Government;
- (e) "rural area" means the areas of,-
 - (i) Zone-B consisting of the areas upto such distance away from the limits of Zone-A of urban area; and
 - (ii) Zone -C consisting of the areas lying beyond the limits of Zone- B; as may be notified by the State Government from time to time;
- (f) "school" means Primary or the High School belonging to the State Government as the case may be;

- (a) "schedule" means the schedule appended to this Ordinance;
- (b) "teacher" means a person appointed to a category of posts of a teacher, in a Primary School or a High School and includes a lecturer in a Pre-University college, belonging to the State Civil Services and such other posts as specified in the Schedule;
- (c) "transfer" means posting of a teacher to a post in a place of working, including posting of a teacher from one place of working to a post in another place of working and includes transfer within or outside the unit of seniority in the same cadre;
- (d) "unit of seniority" means the jurisdiction of the appointing authority competent to make appointment to the post of teacher;
- (e) "urban area" means any areas within the limits of a taluk or district head quarters and the limits of a City Corporation, City Municipal Council, Town Municipal Council or a Town Panchayat and upto such distance away from the limits of above areas notified as Zone-A area by the State Government from time to time.

3. Compulsory transfer of a teacher to rural areas.- (1) Every appointing authority while making initial appointment of a teacher to a school or Pre-University college shall ensure that vacancies in Zone-C shall be filled in the first instance.

(2) A teacher who is in service on the date of commencement of this Ordinance and has not served for a minimum number of years of service in any of the Zones in a rural area before the date of such commencement shall be transferred to Zone-C in the order of priority of Zone-C over Zone-B, Zone-B over Zone-A within the same unit of seniority on the occasion of his next immediate transfer considering transfer of a teacher who has put in more number of years of his service in a Zone first, on priority over a teacher who has put in less number of years of service in that Zone.

Explanation.- For the purpose of this section, "minimum number of years of service" means not less than two years of service in a Zone and together not less than five years of service in any of the Zones in a rural area.

Provided that the provisions relating to compulsory transfer of a teacher to the rural area shall not apply to,-

- (a) a teacher who has attained the age of fifty three years;
- (b) a teacher who has been appointed to a unit of seniority which does not comprise any rural area.

(3) If no vacancy is available for initial appointment or transfer in any particular Zone, a vacancy may be created by transfer of a teacher who has completed minimum number of

years of service to another Zone in the order of priority from Zone-C to Zone-B, Zone-B to Zone-A or Zone-A to any other urban area within the same unit of seniority:

Provided that in case any teacher who is serving in Zone-C, is eligible to be transferred to Zone -B and similarly in case a teacher who is serving in Zone-B is eligible to be transferred to Zone-A, but if he desires to continue to serve in zone-C or zone-B, as the case may be, he may be allowed to continue to serve in these respective zones.

(4) A teacher who is in urban area and is facing any disciplinary proceedings under rule 11 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, criminal proceedings or undergoing any time bound penalty he may be transferred to Zone -C and if no vacancy is available in Zone- C to any vacancy in Zone-B within the same unit of seniority:

Provided that if such teacher is working in Zone-B or Zone-C, he shall be transferred from the place where he is working to another place in the same Zone, but he shall not be transferred out side the rural area till the completion of such disciplinary proceedings, criminal proceedings or penalty as the case may be.

(5) The transfer of a teacher under this Ordinance shall be done through a process of counseling conducted in such manner as may be prescribed.

4. Prohibition of transfer of a teacher from one unit of seniority to another unit of seniority.- There shall be no transfer of a teacher from the unit of seniority in which he is appointed to another unit of seniority:

Provided that a teacher who is found surplus in an unit of seniority may be transferred or redeployed to a needy school or pre-university college in another unit of seniority.

5. Penalties.- If any competent authority makes or any officer or authority induces, influences or dictates the competent authority to make order of posting or appointment or transfer in contravention of the provisions of this Ordinance or the rules made there under such authority or officer shall on conviction be punishable with fine which may extend to five thousand rupees and with an imprisonment for a term not exceeding one month.

6. Cognizance of offences.- No Court shall take cognizance of any offence under this Ordinance except on a complaint made in writing by an officer authorized by the Government by notification published in this behalf in the Official Gazette.

7. Ordinance to override other laws.- The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance , the State Government may by order published in the official

Gazette make provisions not inconsistent with the provisions of this Ordinance as it appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

9. Power to amend the Schedule.- The State Government may, by notification, add, alter or remove any of the entries specified in the Schedule.

10. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything done in good faith or intended to be done under this Ordinance.

11. Power to make rules.- (1) The State Government may by notification and after previous publication, make rules to carry out the purposes of this Ordinance.

(2) Any rule made under this Ordinance may be made with retrospective effect and when such a rule is made, the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature and subject to any modification made under sub-section (3), every rule made under this Ordinance shall have effect as if it is enacted under this Ordinance.

(3) Every rule made or notification issued under this Ordinance, shall be laid as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification, in the rule or notification or decide that any rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, 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 or notification.

12. Transitory provisions.- Any rule, notification, order or appointment, made or issued under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) or otherwise providing for or relating to any of the matters for the furtherance of which this Ordinance is an enacted, before the commencement of this Ordinance and in force on the date of commencement of this Ordinance, to the extent they are not inconsistent with the provisions of this Ordinance, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Ordinance unless and until superseded by anything done or any Ordinance action taken or any rule, notification, order or appointment made under this Ordinance.

SCHEDULE

[see section 2(h) and section 9]

Sl.No.	Designation of the posts of Teachers
(1)	(2)
I. Posts in Government Primary Schools:	
1.	Head Master/Mistress in Government Higher Primary School
2.	Non-Graduate Head Master in Model Higher Primary School
3.	Primary School Assistant Master/Mistress consisting of the following categories:- (i) Primary School Assistant Master/Mistress (General); (ii) Primary School Assistant Master/Mistress (Science); (iii) Primary School Assistant Master/Mistress (English); and (iv) Primary School Assistant Master/Mistress (Hindi).
4.	Music Teacher
5.	Physical Education Teacher Grade-II
6.	Drawing Teacher in Government Higher Primary School/Model Higher Primary School
II. Posts in Government High Schools:	
1.	Head Master in Government High Schools by whatever name called including Head Master/Head Mistress of Government Higher Secondary/Multipurpose High School and Head Master/Head Mistress of Government High School.
2.	Secondary School Assistant (Grade-I)
3.	Secondary School Assistant (Grade-II)
4.	Graduate Assistant Master/Mistress in Government High School, Composite Pre-University College, Composite High School, consisting of the following categories of posts, namely:- (i) Assistant Master Arts in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (ii) Assistant Master in Physical Science in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (iii) Assistant Master in Biological Science in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (iv) Language Assistant in Kannada, English, Urdu, Hindi, Marathi, Tamil, Telugu and Sanskrit languages.

Sl.No.	Designation of the posts of Teachers
(1)	(2)
5.	Physical Education Teacher Grade-I in Government High Schools and Composite Pre-University Colleges.
6.	Drama Teacher (Grade-II)
7.	Dance Teacher (Grade-II)
8.	Arts Master
9.	Drawing Master
10.	Craft Teacher (Grade-II).

T.N.CHATURVEDI
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and Legislation.