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ଓଡ଼ିଶା, ଭୁବନେଶ୍ୱର

No. 22/67

NOTIFICATION

/S&ME Dated 4-10-18

SME-EL1-EL1-0085-2017

Sub: Guidelines for Inter-District Transfer & Mutual transfer / Intra-District transfer / Rationalisation of Headmasters / Asst. Teachers / Asst. Teachers (Ex-cadre)/ Jr. Teachers/ Junior Teachers (Contractual) and Gana Sikhyaks of Govt. Elementary Schools in the State.

In order to comply with the provisions reflected in Section 19 and 25 and the Schedule-1(a) (b) of norms and standards for a school of the Right of Children to Free and Compulsory Education Act, 2009 and the Right of Children to Free and Compulsory Education Rules, 2010 i.e. school wise PTR of 30:01 at the primary level and 35:01 at the Upper Primary Level with a minimum of 2 (two) teachers per school, rationalization of teachers is essentially required. All Elementary Headmasters and Teachers belong to district cadre and hence, they can not be transferred to another district.

Representations have been received regularly from different level and types of teachers working in elementary schools for inter-district transfer on various grounds. These have not been considered as no such policy is available.

So, considering the different issues as mentioned above, Government after careful consideration have been pleased to formulate the following guidelines for Inter-District and Intra-District transfer of teachers of Elementary Cadre, Asst. Teacher (ex-cadre) and different types of contractual teachers working in elementary schools.

1. **Applicability:**

These guidelines shall be applicable to teachers and headmasters of elementary cadre, Asst. Teachers (ex-cadre), contractual teachers and Gana Sikhyaks working in Government Elementary Schools in the State.

2. **Inter District Transfer:**

A. **Principles**

- The transfer process shall be conducted only in online mode on a computer based Programme.
- The competent authorities shall issue transfer orders only after approval of the same by the State Level or District Level Committee as the case may be.

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- c) Inter-District Transfer of elementary cadre teachers will only be considered on mutual ground or ground of terminal illness of self, subject to conditions laid down in this guideline herein after.
- d) The transfer cases on terminal diseases shall be determined and selected on the basis of principles and procedures outlined in the Annexure-1 of Notification No 936, dated, 26.5.2016, issued by the Health & FW Department. The above guideline of the Health & Family Welfare Department is annexed at **Annexure-1**.
- e) Inter-district transfer on ground of terminal illness will be allowed subject to availability of vacancy which shall be determined on the basis of need/requirement in the schools in desired District/ Block as explained in Point (3), Section II, Para a(vii).
- f) In case of transfer of a Teacher / Headmaster to the other district on personal ground, he/ she will lose his/ her seniority on joining in the new district and he/she shall be the junior most in his/her cadre on the date of joining in the new district. His/her name shall be placed at the bottom in the gradation list of his/ her cadre on the date of joining. He/ she shall be the junior most in his/ her cadre on the date of joining in the new district.
- g) The teaching staff representing for Inter-District Transfer are required to submit an undertaking to this effect with the application for transfer. The same shall also be recorded in the transfer orders and also in his/ her Service Book.
- h) The mutual transfer will be made only against same category of Govt. Elementary teachers/ Headmasters i.e. Asst. Teacher (regular) against Assistant Teacher (regular) or regular Level-IV Headmaster against regular Level-IV Headmaster or regular Level-III Headmaster against regular Level-III Headmaster, Science Graduate with science graduate, Arts graduate with Arts/ Commerce graduate, Commerce graduate with Commerce/ Arts graduate, +2 Science with +2 Science, +2 Arts/ Commerce with +2 Arts/ Commerce, B.Ed. with B.Ed., D.El.Ed. with D.El.Ed. ST against ST, SC against SC & PwD against PwD. However, teachers belonging to General can be transferred against OBC/ SEBC and vice-versa.
- i) Junior Teacher Contractual, Junior Teacher and Gana-sikhyak shall not be considered for transfer except on mutual ground and on ground of suffering from Terminal Diseases. The teacher concerned must have completed at least 1(one) year of engagement to be considered for mutual transfer. The mutual transfer will be made only against same category i.e. ST against ST, SC against SC, General against general/ OBC/SEBC, OBC/ SEBC against OBC/ SEBC/ General, PwD against PwD. Mutual Transfer of Jr. Teacher Contractual/ Jr. Teacher having Science or Arts qualification shall only be done within same category i.e. +2 Sc. CT/ D.EL.ED against +2 Sc. CT /D.EL.ED, +3 Sc. CT/ D.El.Ed. against +3 Sc. CT/ D.El.Ed., +3 Sc. B.Ed. against +3 Sc. B.Ed., +2 Arts, CT/ D.El.Ed. against +2 Arts, CT/ D.El.Ed., +3 Arts CT/ D.El.Ed. against +3 Arts CT/ D.El.Ed. and + Arts B.Ed. against +3 Arts, B.Ed.

### C. Procedure

The transfers shall be processed through NIC at State level in a computer based programme. All transfers will be carried out solely on the basis of data available in UDISE and Teacher profile database, duly validated by concerned BEOs.

- i. The guidelines for transfer shall be published in the website of the Department and the form of application for transfer shall also be available in the website. The District-wise, Block-wise and school-wise vacancies available shall be displayed in the website so as to enable the employee to choose a vacancy.
- ii. The teachers and Headmasters desirous of inter district transfer shall apply to the Director, Elementary Education online and choose vacancy/ vacancies in order of preference to be indicated in the instructions to be published along with the application.
- iii. The Block Education Officer shall validate all applications and send it to DEO. The District Education Officer shall validate the applications and upload the same.
- iv. The applications shall be scrutinised through the computer programme on the basis of principles contained in the guideline and in-eligible cases shall be rejected.
- v. Eligible applications shall be listed on the basis of following order of priority
  - a) Mutual
  - b) Terminal Illness of self.Within the above priority cases, the employees will be listed in order of their;
  - Date of joining as regular teacher/ Headmaster/ Junior Teacher/ Junior Teacher (contractual)/ Ganasikshyak (Joining Senior to Joining Junior)
  - Age of teacher
- vi. The Draft eligible list prepared in order of priority as in **Para-v** above and the rejection list as mentioned in **Para-iv** above shall be generated and placed before the State Level Transfer Committee constituted with following members:
  - **Director, Elementary Education** : Chairman
  - **Joint Director** : Member
  - **Dy. Director, Elementary Education** : Member  
(nominated by DEE)
  - **Deputy Director Administration of SPD, OPEPA.:** Member
  - **Deputy Director, Elementary Education dealing with Elementary Teacher's Transfer** : Member-Convenor
- vii. The Transfer Committee shall verify the eligible list prepared through computer based programme and approve the same.
- viii. The approved list of teachers for transfer shall be published in the website.
- ix. The Director, Elementary Education, Odisha shall issue orders for inter-district transfer

Sl. No	Category of the Employee	Grounds	Conditionality
1.	<b>Regular Teachers of Elementary Cadre</b>	Only mutual cases and cases of terminal diseases of self	As mentioned in para 2(e), (f), (g), (h) & (k)
2.	<b>Contractual Teachers (Junior Teacher Contractual &amp; Junior Teacher) &amp; Ganasikhyak</b>	Only mutual cases and cases of terminal diseases of self	As mentioned in para 2 (i), (j) & (k)

This is essential to maintain the provisions of ORV Act, total posts available in the district category-wise, adequate Science teachers and Teachers for Upper Primary Schools.

- j) After joining of the Junior Teacher (Contractual)/ Jr. Teacher on inter district transfer, the position of the concerned Junior Teacher (Contractual)/ Jr. Teacher will remain at the bottom of the gradation list of the recruitment year of the district to which the Junior Teacher (Contractual)/ Junior Teacher was transferred. The Junior Teacher (Contractual) / Jr. Teacher shall submit undertaking to this effect with the application. This must be recorded in the transfer order. In case of Gana Sikshyak, the teacher on transfer will be the junior most among all Gana Sikshyaks working in the district to which he / she has been transferred.
- k) The inter-district transfer can be availed by a teacher/ headmaster only once in his/ her total service period. Any person, who has already availed inter-district transfer earlier, will not be considered for any such transfer again. The DEO of the district shall be responsible for making this check using service book and other related documents of teachers while validating the transfer applications online.
- l) The transfer cases of Persons with Disabilities (PwD) shall be considered on the basis of certification of the disabilities by the State Medical Board.
- m) The teacher working in the safe district shall be relieved first and after his / her joining, the teacher of the difficult area will be relieved thereafter. The safe and difficult districts will be decided by the Director, Elementary Education.
- n) In case of Transfer on personal representation, no TA/DA shall be admissible.
- o) On transfer, any long leave till retirement is not acceptable under any circumstances.

**B. Grounds of Transfer & Employees Transferrable under different grounds:-**

The employees of different category working in elementary schools may be transferred from one district to another on the grounds mentioned against each in the following table.

- x. After the issue of order of transfer, the concerned Collector will give place of posting and only after place of posting is allotted, the DEO of the district in which the regular teacher is working shall relieve the teacher. In case of Contractual teachers, the DPC will relieve the teachers. On transfer and joining in the new district, the Junior Teacher (Contractual)/ Junior Teacher will sign contract with the DPC of the concerned district.
- xi. The service record and performance report of the regular teachers / contractual teacher shall be forwarded to the respective district soon after his/ her joining.

### 3. Intra-District Transfer

#### I. Personal & Administrative (other than rationalisation) Transfers

##### a) Grounds of Transfer & Teachers Transferrable under different grounds

The teachers of different category may be transferred within the district on the grounds mentioned against each in the following table:-

Sl	Employee Category	Grounds	Conditionality
1.	All Regular Elementary Cadre Teachers	Administrative & Personal	No employee shall be transferred from a deficit school to surplus school This restriction shall not apply to mutual & terminal diseases cases
2.	Contractual Teachers (Junior Teacher Contractual, Junior Teachers) & Ganasikhyak	Administrative, Terminal Illness & Mutual	

##### b) Principles

- i. Transfers shall be mainly on two grounds such as, Administrative requirement and Personal representations. Personal representation shall be on health grounds or other personal grounds. Administrative Transfer shall include transfer on rationalisation. Similarly transfer on personal ground shall include mutual transfers.
- ii. Junior Teacher Contractual, Junior Teacher and Gana Sikhyak shall not normally be considered for transfer except on mutual ground and on ground of suffering from Terminal Diseases. Mutual transfer shall be considered only between same categories of teachers such as regular with regular of same post such as Level V against Level V, Level IV against Level IV, Level III against Level III, Contractual with Contractual such as Junior teacher with junior teacher, junior teacher contractual with junior teacher contractual, Gana Sikshak with Gana Sikshak with same qualification and training such as +2 Arts. CT/D.EL.ED against +2 Arts, CT/ D.EL.ED, +3 Arts. CT/D.EL.ED against +3 Arts, CT/ D.EL.ED and +3 Arts B.Ed. against +3 Arts, B.Ed, +2 Science CT/ D.El.Ed. against +2 Science CT/ D.El.Ed. +3 Sc. CT/ D.EL.ED against +3 Sc. CT/ D.EL.ED, +3 Sc. B.Ed. against +3 Sc. B.Ed., among same category such as ST against ST, SC against SC, General against general/ OBC/SEBC, OBC/ SEBC against OBC/ SEBC/ General, PwD against PwD.

- iii. The transfer cases on terminal diseases shall be determined and selected on the basis of principle and procedure outlined in the Annexure-1 of Notification No 936, dated, 26.5.2016, issued by the Health & FW Department. The above guideline of Health & Family Welfare Department is annexed at **Annexure-1**.
- iv. Teachers with physical disability may preferably be posted in the schools having communication facilities i.e. road connectivity with public conveyance facility as far as practicable.
- v. While considering the transfer proposal, priority will be given to representations received from teachers suffering from terminal diseases and the same will also be considered only after certification by the State Medical Boards situated at Cuttack, Berhampur & Sambalpur.
- vi. Transfer on personal representation shall not be normally considered if the regular teacher has not completed 6 years of service in a school except for administrative, mutual and terminal illness cases
- vii. The proposal for mutual transfer of teacher shall be entertained by the DLTC subject to condition that both the applicants are regular teachers and they belong to same stream i.e. Graduate Science Teacher with Graduate Science Teacher, Graduate Arts Teacher with Graduate Arts Teacher, +2 Sc. Teacher with +2 Sc. Teacher and +2 Arts Teacher with +2 Arts Teacher.
- viii. The CRCC can apply for his/ her transfer as teacher/ headmaster. CRCC will not be considered as in position teacher for calculating surplus and deficit of that school.
- ix. A teacher/ headmaster working as CRCC in another cluster may be transferred to a school in his/ her own cluster.
- x. In case of Transfer on personal representation, no TA/DA shall be admissible.

## **II. Transfers on Rationalisation**

### **a) Principles**

- i) Teachers will be transferred from schools with surplus teachers to schools with teacher deficit. The requirement of teachers can be assessed keeping in view the PTR norms in RCFCE Act, 2009 & Odisha RCFCE Rules, 2010.
- ii) Graduate Science and Arts Teachers are to be uniformly spread in the Upper Primary Schools. There should be at least one Graduate Science Teacher and one Graduate Arts Teacher in each Upper Primary School.
- iii) Posting of teachers shall be done in single teacher schools on priority basis. It should be ensured that no school is left with only single teacher. CRCC will not be considered to be in position in school for calculating surplus and deficit of that school.
- iv) There should be at least one regular teacher in each school.

- v) While transferring the surplus teacher from the school, the station seniority would be the basis of effecting transfer of a teacher and who has maximum stay at a school would be transferred.
- vi) Teachers who have completed 6 years of continuous service in one school would be eligible for transfer to another school. A teacher who has completed 10 years of continuous service in one school must be transferred to another school.
- vii) Specific norm for calculating the requirement of teachers in primary and upper primary school will be as follows :-

**Primary School**

Enrolment	No of teachers
1 to 31	: 2 Teachers no Headmaster
31 to 60	: 2 Teachers including H.M
61 to 90	: 3 Teachers including H.M
91 to 120	: 4 Teachers including H.M
121 to 200	: 5 Teachers including H.M
Above 200	: Pupil Teacher Ratio excluding Headmaster shall not exceed to 40.

For Class-VI to VIII upper primary school / upper primary section of schools with Class (I to VIII / I to X)

**Upper Primary School**

Enrolment	No of teachers
1 to 99	: 2 Graduate Teacher (Arts) + 1 Graduate Teacher (Sc.)
100 to 140	: H.M + 3 G.T (1 Graduate Teacher (Sc.) + 2 GT Arts)
141 to 175	: H.M + 4 GT (2 G.T for SC + 1 GT for Arts)
175 to 210	: H.M + 5 GT (2 G. T for SC + 3 GT for Arts)
210 and above	: Pupil teacher ratio excluding HM must not exceed 1:35

NB: At the time of calculating the deficit and surplus Graduate teachers, the HM of U.P. Schools will be excluded.

- viii. In case of transfer of surplus teacher from one Block to other Block within a district, the teachers represented for transfer to that block with deficit of teachers may be considered first. If there is no representation, the persons those who have longest stay in that Block / Municipality / NAC area will be transferred. In case of rural areas station seniority of the school would be taken into consideration. But in case of schools in urban areas, the station seniority of the teacher in that NAC or Municipality or M.C. as a whole would be taken into consideration.
- ix. Regular teachers who are working in new project primary schools / New Project Upper Primary schools under deployment basis may be allowed to

continue, otherwise the practice of deployment shall be stopped. And in case of exigency prior approval of Collector-cum-Chairman of DLTC shall have to be taken for deployment of teacher on the basis of recommendation of the concerned DEO. If any teacher is working on deputation beyond the PTR / sanction strength in a school or in BEO office the deployment of such teachers may be cancelled before the process of rationalisation.

- x. The teacher/ headmaster having less than two years of service for superannuation may not be transferred.
- xi. During rationalization, if one teacher is transferred as surplus teacher from a school no other teacher should be posted to that school to fill up the same vacancy.
- xii. While rationalizing attempt should be made to adjust the surplus teachers within the Block. In case the teachers are still surplus, they should be transferred to other block(s) having deficit of teachers and in no case surplus teachers of a Block / MC/ Municipality/ NAC shall be adjusted within the same Block / MC/ Municipality/ NAC against schools having adequate teachers.
- xiii. As far as practicable, Junior Teachers (Contractual) / Jr. Teachers/ G.S may not be transferred on rationalization. In case of exigency, they may be deployed to a deficit school only strictly basing on requirement of teachers.
- xiv. MLE teachers (SS) will not be disturbed through rationalization. They may be deployed to another school where there is need of teacher of same language by the order of Collector after assessing the requirement by DPC, SSA.
- xv. After the process of rationalization there should not be any school with a single teacher and UP School without a Graduate Arts teacher and a Graduate science teacher. A certificate in this regard will be submitted by the Collector to this Department.

### III. Procedure for Intra-District Transfer

- i. All transfers on personal and administrative ground except rationalisation transfers shall be processed through NIC at District level through a computer based programme. All transfers will be carried out solely on the basis of data available in UDISE and Teacher profile database, duly validated by concerned BEOs.
- ii. In case of rationalization, transfers will be conducted manually by DLTC using computer generated surplus and deficit school and teacher reports. List of schools with surplus teachers and deficit teachers district-wise will be provided to NIC by OPEPA.
- iii. The guidelines for transfer shall be published in the website of the Department and the form of application for transfer shall also be available in the website.



- The Block wise and school-wise vacancies available shall be displayed in the website so as to enable the employee to choose a vacancy.
- iv. The teachers desirous of transfer shall apply on line and choose vacancy/ vacancies in order of preference to be indicated in the instructions to be published along with the application.
  - v. The District Education Officer shall validate the applications and upload the same.
  - vi. Besides, the District Education Officer shall feed the proposals of administrative transfers in an online format.
  - vii. The applications shall be scrutinised through the computer programme on the basis of principles contained in the guideline and ineligible cases shall be rejected.
  - viii. Eligible applications for non-rationalisation transfers shall be listed on the basis of following order of priority;

**Order of Priority :**

- a) Administrative ground
- b) Personal grounds
  - i) Mutual
  - ii) Terminal disease of self
  - iii) Persons with Disability
  - iv) Widow
  - v) Divorcee
  - vi) Working spouse in govt. service
  - vii) Spouse of Defence personnel
  - viii) Female applicants normal transfer
  - ix) Male applicants normal transfer

Within the above priority cases, the employees will be listed in order of their

- Date of joining as regular teacher/ Headmaster/ Asst. Teacher, (ex-cadre)/ Junior Teacher/ Junior Teacher (contractual)/ Ganasikhyaks (Joining Senior to Joining Junior)
- Age of teacher

- ix. The Draft eligible list prepared in order of priority as in **Para viii** above and the rejection list as mentioned in **Para vii** above shall be generated and placed before the **District Level Transfer Committee (DLTC)** constituted with the following members.

- |  |   |                 |
|--|---|-----------------|
| • Collector and DM of the District             | - | Chairman        |
| • District Project Co-ordinator, RTE-SSA       | - | Member          |
| • All Block Education Officers of the District | - | Member          |
| • District Education Officer                   | - | Member-Convenor |

- x. The Transfer committee shall verify the eligible list prepared through computer programme and approve the same.

- xi. The approved list of teachers for transfer shall be published in the website.
- xii. The District Education Officer shall issue orders for intra-district transfer.
- xiii. After the issue of order of transfer, the concerned Headmasters/BEOs/ shall relieve the teachers.
- xiv. After issuance of orders of transfer on personal and administrative (other than rationalisation), District Level Transfer Committee (DLTC) will convene to conduct rationalization process.
- xv. The proposal for transfer of teachers on rationalization shall be prepared by the respective BEOs.
- xvi. The District Level Transfer committee will approve transfers due to rationalization. After approval of list of rationalization cases, the DEO should issue inter block transfer orders and concerned BEO should issue intra Block transfer orders.

#### 4. Calendar of Activities

##### a) Inter-District Transfer/ Inter District mutual transfer/Intra-district transfers

Sl	Activity	Date line
1	Teachers to submit applications on the portal	15 <sup>th</sup> -30 <sup>th</sup> April
2.	Forwarding of Proposals by BEO to DEO	10 <sup>th</sup> May
3.	Forwarding of proposals to Director (Inter-district)	20 <sup>th</sup> May
4.	Approval by Director, Elementary Education/ DLTC as case may be	25 <sup>th</sup> May
5	Publication of transfers in OPEPA website	31 <sup>st</sup> May
6	Issue of transfer orders	5 <sup>th</sup> June
7	Joining of teachers	15 <sup>th</sup> June

##### b) Rationalisation

Sl. No.	Activity	Date Line
1	Supply of surplus and deficit teacher list by OPEPA to the district	15 <sup>th</sup> April
2	Constitution of the Committee & communication of the same to the members	20 <sup>th</sup> April
3	Sitting of the Committee and finalization of the list	15 <sup>th</sup> May
4	Communicate of the decision of the Committee to all concerned	20 <sup>th</sup> May
5	DEO & BEO will issue transfer order	31 <sup>st</sup> May
6	Final list of transfers to be submitted to Directorate and MIS OPEPA	10 <sup>th</sup> June
7	Implementation of the decision of the DLTC and joining of the teachers in their schools	10 <sup>th</sup> June

The above calendar of activities may be modified by Govt. as per need.

5. **Appeal & Review**

The Director of Elementary Education, Odisha shall be the Appellate Authority to dispose of the grievances related to inter-district transfer and intra-district transfer of teachers. The Director shall also have powers to review and modify inter-district transfers.

6. **Competent Authorities**

An authority competent to transfer a teacher can transfer the teachers within 16<sup>th</sup> April to 15<sup>th</sup> June or the last date fixed in calendar contained herein or notified by Govt. in a year whichever is later. During the rest period of the year, the teacher can be transferred only by the order of next higher authority but in such a case the principles for transfer as described in these guidelines shall be followed although the procedure may be changed.

7. **Saving**

These guidelines shall not be applicable to teachers and headmasters of aided elementary schools.

8. **Repeal**


This notification supersedes all previous orders issued by S&ME Deptt. in this regard.

This notification will take effect from the calendar year 2019.

**ORDER:**

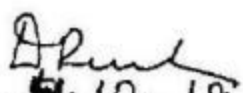
Ordered that this notification shall be published in the extra ordinary issue of Odisha Gazette.

By Order of Governor

  
04/10/2018  
Principal Secretary to Government

Memo No. 22168 / Date. 4-10-18

Copy forwarded to P.S to Chief Minister / P.S to Minister, S&ME / P.S to Principal Secretary, S&ME Department for kind information of Hon'ble Chief Minister, Hon'ble Minister and Principal Secretary.

  
5.10.18  
Deputy Secretary to Government