

Government of Karnataka

No.EP 32 TPU 2021

Karnataka Government secretariat,
6th Floor, M.S Building
Bangalore, dated:12/05/2022

NOTIFICATION

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by sub-section (1) of section 18 of Karnataka State Civil Services (Regulation of Transfers of Teachers) Act 2020 (Karnataka Act 4 of 2020) is hereby published as required by sub-section (1) of section 18 of the said Act, for the information of all persons likely to be affected thereby from the date of its publication in the official Gazette.

Whereas, the said Gazette was made available to the general public on 08.04.2022.

And, whereas objection and suggestion received in this behalf have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Karnataka Civil Service (Regulation of Principal and Lecturers transfer) Rules 2022 (Karnataka Act 4 of 2020) hereby makes the following rules, namely:-

1. Title and commencement.-(1) These rules may be called Karnataka State Civil Services (Regulation of Transfer of Principal and Lecturers) Rules, 2022.

(2) They shall come into force from the date of their final publication in the official Gazette.

2. Definitions.-(1) In these rules unless the context otherwise requires,-

(a) '**Act**' means the Karnataka State Civil services (Regulation of Transfer of Teachers) Act, 2020;

(b) '**Child**' means unmarried and dependent child of the Principal or Lecturer;

- (c) **'Section'** means section of the Act;
- (d) **'Vacant Posts'** means a post of a Principal and a Lecturer of a particular subject, as the case may be, which is vacant and is required as per norms specified by the Government from time to time.
- (e) **Pupil – Lecturer ratio** shall be 160:1 for subjects with practicals and 320:1 for non practical subjects.
- (f) **Work load means** number of teaching hours prescribed per lecturer i.e. 24 hours per week for subjects with practicals and 20 hours for subjects without practicals.
- For example:** Science subjects having two sections with 80 students each will have 08 hours for theory and 16 hours for practical (02 hours per batch of 20 students).
- (g) **Minimum Period of service** means a continuous service of three years in a Government Pre University College.
- (h) **Request Transfer** means permitting a Principal or a Lecturer to select a place in the zone as specified in sub-rule (j).
- (i) **Redeployment and Rationalization Transfer** means transfer of Lecturer from existing college where there is insufficient or no workload to a Government PU College where there is a vacancy or additional requirement due to additional work load based on student strength.
- (j) **'Zone' means, -**
- (i) Zone-A, consisting of areas falling within the limits of BBMP, all Mahanagara-Palikas and District Headquarters.
 - (ii) Zone-B, consisting of areas falling within the limits of all Nagara-Palikas, Nagara-Sabha, Pura-Sabha, Pattana-Panchayat, notified areas, Town-Panchayath areas and Taluk Headquarters (Notified in the Karnataka Municipal Corporation Act 1976 (1977 of Karnataka Act – 14).
 - (iii) Zone-C, consisting of areas other than the areas falling under Zone-A and Zone-B.

(2) Words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Act.

3. Transfer Process Controlling Officer and Competent Authority. -

The Director of Pre University Education Department is the Transfer Process Controlling Officer and the Competent Authority for transfer of Principals and Lecturers.

4. Weighted Score of a Principal / Lecturer. -

(a) Weighted Score of a Principal or Lecturer for the purpose of transfer = (Number of years of service rendered in C Zone X 3) + (Number of years of service rendered in B Zone X 2) + (Number of years of service rendered in A Zone X 1) + (Number of years of service rendered in present college beyond 3 years X 1).

(b) Weighted Score of a Lecturer for the purpose of transfer = (No of years of service rendered in C Zone X 3) + (No of years of service rendered in B Zone X 2) + (No of years of service rendered in A Zone X 1) + (No of years of service rendered in present college beyond 3 years X 1)

Note: Service of Six months (180 days) and above shall be treated as one full year of service. Service of less than Six months (180 days) shall be treated as `Zero` year of service.

(c) The weighted score shall be calculated based on the service details of the Principal / Lecturer up to December of the previous year as updated by the concerned Drawing and Disbursing Officer (hereinafter referred as DDO) on SATS or the Department Portal.

(d) (c) If the weighted score of any two Principal / Lecturers is same then the seniority is decided based on date of entry into service. If date of entry into service (as Principal / Lecturer) is also the same, then their seniority is decided based on the date of birth.

(e) The department shall under seal and sign of Joint Director (Admin), publish the provisional weighted score of all Principals / Lecturers on second Friday of January every year on its website. All Principals / Lecturers shall have option to apply for correction of their service details in case of any discrepancies in the weighted scores. The application for correction shall be made to the concerned DDO with valid documents. In

case of Principal / Lecturer such applications shall be made through respective DDPUs. A Principal / Lecturer may also file an objection regarding to the weighted score of other Principal / Lecturers by producing valid documents. The application for correction or objections may be made till 31st of January of that year. No application for correction or objection shall be entertained beyond the last date.

- (f) The Joint Director (Admin) or any officer not below the rank of Deputy Director shall verify each application of correction or objection and pass a necessary order by accepting or rejecting the application with valid justifications and publish the same on the departmental website by 15th of February.
- (g) After the order is passed by the Joint Director (Admin), he shall publish the final weighted scores on the website. Once the final weighted scores are published, the same shall be freezed till the completion of the transfer process.
- (h) If the above process is not being completed in the month of January and February due to unavoidable reasons, the same shall be completed prior to the publication of transfer schedule.

5. Transfer Limits.- The transfer limit specified under sub-section (1) of section 7 of the Act shall be further divided into various category of transfers as follows, namely;

Sl No	Type of Transfer	Sub-limit
1	Request Transfer (General) (For Principals)	Ten Percent
2	Request Transfer (General) (For Lecturers)	Ten Percent (percentage of the working strength of concerned category of Lecturer in the relevant subject)

Provided that, the Redeployment and transfer due to Rationalization of Lecturer Transfer (Excess Transfer) and mutual transfers shall not be accounted for the purpose of the sub-limits.

6. Transfer Schedule.-(1) The transfers shall normally be taken up in the month of April and May of every year.

(2) The Government, on recommendations of the Transfer Process Controlling Officer if deems fit may permit the transfers to be taken up even after the time limit specified in sub-rule (1).

(3) Every year the Transfer Process Controlling Officer shall publish the time table for transfer process having the following major steps, namely:-

(a) Inviting application from Lecturers who were transferred through compulsory transfer during the year 2018-19 (Provided in the Act as one time measure only);

(b) Redeployment of sanctioned posts based on pupil Lecturer ratio;

(c) Notification of vacant posts;

(d) Notification of Draft list of Lecturers to be transferred under Rationalization;

(e) Inviting application for request transfer and exemption from Rationalization transfer;

(f) Finalization of `List of Lecturers who transferred on compulsory transfer during the year 2018-19`;

(g) Finalization of `List of Lecturers to be exempted` and `List of Lecturers to be given priority`;

(h) Preparation and Publication of final list of Lecturers to be transferred under Rationalization;

(i) Transfer of Lecturers who transferred on compulsory transfer during the year 2018-19;

(j) Transfer of Lecturers under Rationalization;

(k) Notification of revised vacant posts along with deemed vacancies;

(l) Request transfers; and

(m) Mutual transfers.

NOTE: "Redeployment and Rationalization of Lecturers" shall be taken up every alternate year.

7. Special Counseling.- Whatever is contained in the said rules, before the first transfer process as per Karnataka Civil Services (Regulation of Teachers' Transfer) (Second Amendment) Act, 2021 dated 18-01-2022 (hereafter called 2022 Ordinance 6), special counselling can be held as per the instructions detailed in the Ordinance dated 18-01-2022. Lecturers transferred and reported on the basis of Compulsory Transfer held in the year 2018-19 may be given a place within the unit of seniority. Lecturers must be given a chance to choose place within the unit of seniority as one time measure before all other forms of transfers, subject to the availability of vacancies, in the following manner:

- 1) Authority which conducted Compulsory Transfer in the year 2018-19 will conduct current counselling process.
- 2) Transfer Controlling Officer will announce (issue) counselling timetable and guidelines.
- 3) Before announcing time table, list of available vacancies for Special Counselling must be announced.
- 4) Thereafter, online applications for Special Counselling may be invited from the affected Lecturers as explained in Compulsory Transfer in the year 2018-19 Ordinance 6 of year 2022.
- 5) Affected Lecturers will have to submit request application for Special Counselling online.
- 6) Applications thus received online must be serialized as per their seniority on the basis of rules related to counselling order 2018-19 and must be finalized after receiving objections.
- 7) Affected Lecturers must be counseled based on their serial number in the seniority list. Lecturers must be given chance to choose place within the unit of seniority.

8. Re-Deployment of Sanctioned post.-Every alternate year the sanctioned posts shall be rationalized college wise depending on the student strength. The excess posts shall be redeployed to needy colleges as per the procedure notified by the Department for this purpose. After the completion of the process, the Director of Pre University Education Department shall issue orders with respect to sanctioned posts in each college for that academic year.

9. Notification of vacant posts: - After redeployment of posts, the Director of Pre University Education Department shall notify subject wise vacancy position.

10. Notification of draft list of Lecturers to be transferred under Rationalization Transfer.-The draft list of Lecturers to be transferred either under Rationalization Transfer shall be notified by the Director of Pre University Education Department.-

(i) While preparing draft list of Lecturers to be transferred under Rationalization, if a subject post in a college has become excess, then for such post **“senior most”** Lecturers of that subject working in the college shall be included in the list.

11. Exemptions and Priorities.-(1) Exemptions under rationalization transfers and priority for request transfers shall be complied on the basis of conditions specified in section 10.

(2) The certificates to be produced in claim of exemptions / provided further that priorities are as follows, namely:-

Sl No	Exemption or Priority claim	Supporting documents
1	Principal / Lecturer or spouse or child suffering from terminal illness or Serious ailments for which treatment is not available within the taluk or Principal / Lecturer or spouse or children having disability of 40% or more	Certificate from the District Medical Board

2	Widow or 'Widower Principal / Lecturer with dependent children'	Death Certificate of the spouse and Magistrate Affidavit regarding not having remarried
3	Divorcee Principal / Lecturer with dependent children	Court decree and Magistrate Affidavit regarding dependent children and not having remarried. In case of Muslims Khula-Naama or Talaq-Naama or Talaq-e-mubarat issued by Masjid committee and Magistrate Affidavit regarding dependent children and not having remarried
4	Principal / Lecturer with spouse being current or former soldier or Permanently disabled or deceased soldier of Indian Defence Forces or Para military forces	Certificate from the Commanding Officer or the Director, Sainik Welfare Board
5	Principal / Lecturer being married to an employee of a Central Government or State Government or Aided Institution	Certificate from the appointing authority of the spouse.
6	Female Principal / Lecturers aged fifty years or Male Principal / Lecturers aged fifty five years	To be verified from SATS / Departmental Portal
7	Pregnant Principal / Lecturer or a female Principal / Lecturer with a child less than one year	Certificate from the District Medical Board

12. Inviting application for request transfer and exemption from Rationalization transfer.-Every Principal / Lecturer who has completed minimum period of service shall be provided an opportunity to make an online application for request transfer and / or for exemption from Rationalization Transfer within the time limit notified by the Transfer Process Controlling Officer,-

- (i) The Principal / Lecturer while making an application for request transfer can also seek priority under any of the categories specified in section 10 of the Act along with relevant documents under rule 11;
- (ii) The application for exemption from Rationalization Transfer shall also be claimed online along with relevant documents specified in rule 11.
- (iii) If the priority or exemption is not claimed within the time limit, then it shall not be considered at a later stage; and
- (iv) Principals / Lecturers identified for transfer under Rationalization Transfers may also apply for Request Transfer. Their eligibility and weighted score shall be considered based on their working college prior to Rationalization Transfer.

13. Finalization of `List of Principals / Lecturers to be exempted` and `List of Principal / Lecturers to be given priority`.-

- (i) After the final date prescribed for making application for request transfer and application for exemptions under rationalization transfer, the Joint Director (Admin) of Pre University Education Department shall verify each application of priority or exemption.
- (ii) The Joint Director (Admin) of Pre University Education Department shall come to conclusion of eligible cases of priority or exemption on the basis of submission of documents specified under rule 10.
- (iii) If the Joint Director (Admin) of Pre University Education Department has any doubts regarding the authenticity or the genuineness of the documents, he shall cross verify with the Competent Authority.

- (iv) the Director of Pre University Education Department shall publish online as well as on the office notice board
- (a) draft eligible priority list;
 - (b) draft in-eligible priority list with reasons;
 - (c) draft eligible exempted list;
 - (d) draft ineligible exempted list with reasons;
 - (e) to give clear five working days for objections from any Principal / Lecturer;
 - (f) the Director of Pre University Education Department shall also mention the date for open hearing after the deadline fixed for raising objections in the notification; and
 - (g) no objections shall be entertained on `weighted score of a Principal / Lecturer` after clear five working days.
- (v) Any Principal / Lecturer who has any objection to either eligible or ineligible cases may file an on-line objection with supporting documents.
- (vi) The Director of Pre University Education Department or officer not below the rank of Joint Director of Pre University Education Department, shall verify all the online objections and hear them on the `open hearing date` and pass speaking orders. The speaking orders shall be published on the transfer portal and on the notice board.
- (vii) After passing orders the Joint Director (Admin) of Pre University Education Department shall publish,-
- (a) final Priority list; and
 - (b) final Exemption list.
- (viii) Any Principal / Lecturer aggrieved by the order may approach the Grievance Redressal Committee as per section 9 within three working days from the date of publication of the order.

14. Preparation and Publication of final list of Lecturers to be transferred under Rationalization.-(1) After finalizing list of Lecturers to be exempted under Rationalization, the senior most Lecturer of that subject in the college shall be considered for transfer under rationalization, excluding the Lecturers to be exempted. If all the Lecturers of that subject become eligible for exemption from rationalization, then the senior most Lecturer excluding Lecturers with Serious Illness or Physical Disability shall be considered, irrespective of exemption clause.

(2) After following due procedure laid down in sub-rule (1) the Director of Pre University Education Department shall publish final list of Lecturers to be transferred under Rationalization.

15. Rationalization of Lecturers.-(1) Order of priority shall be followed for transfer of Lecturer under rationalization.

(2) The Lecturers who are in the final list of Rationalization shall be transferred to the vacant posts available in zone C. If any Lecturer refuses to take the vacant post or abstains from process of counseling, the transfer authority shall transfer such Lecturer through dummy counseling after completion of counseling process.

(3) If "Serious Illness or Physical Disability" Lecturers are identified as excess, then while transferring such Lecturers the transferring authority shall provide them first priority in the process of counseling irrespective of weighted score.

16. Notification of revised vacant posts.- In the year in which Rationalization is taken up, the Director of Pre University Education Department shall publish the subject-wise vacancies after Rationalization process.

17. General Request transfers.-

- (i) Based on the applications received for the request transfers, final priority list for different categories as specified under section 10 of the Act and general category shall be prepared and published by the Competent Authority on the transfer portal.
- (ii) Within each category the priority shall be decided based on the conditions prescribed for priority under section 10.
- (iii) The total number of request transfers specified under clause (v) of section 10 and general transfers shall be within the transfer limits specified under rule 5.
- (iv) The counseling for transfers shall be taken up in the sequence under clauses (i) to (v) of sub-section (1) of section 10 and general category.
- (v) The Principals appearing for counseling may choose such a vacancy where the subject taught by him/her is there in that college. If such a vacancy is not available, then he/she may choose any vacancy. The Lecturers appearing for counseling may choose any vacancy. The transferring authority shall issue computer generated transfer order in the counseling centre itself. If no suitable vacancy is available the Principal / Lecturer may choose to continue in the existing post. An Undertaking to this effect from the Principal / Lecturer shall be taken by the transfer authority at the counseling centre itself. However, if vacancy is once chosen it shall not be modified or cancelled.
- (vi) The counseling process will be conducted separately for Principals and Lecturers.

18. Conduct of transfers. - All transfers shall be carried out only through the online computerized counseling process.

19. Completion of counseling. - The exercise of transfer through computerized counseling process under Request transfers shall be continued till the upper limit of number of transfers under rule 5 is reached or till all the applicants are exhausted within the time frame communicated by the transfer Process Controlling Officer.

20. Mutual transfers.-

(i) Eligibility:

- (a) Must have completed minimum seven years service.
- (b) Must have a minimum balance service of five years before retirement.
- (c) Must not have availed Mutual Transfer earlier.
- (d) Both Principal/Lecturers seeking mutual transfer shall apply within the prescribed time on the Principal/Lecturer Transfer Portal in the manner specified by the Transfer Process Controlling Officer linking their applications through KGID numbers of each other.

(ii) The Competent Authority shall publish final list of eligible cases.

(iii) Mutual Transfer can be availed only once in the entire service of Principal/Lecturer.

21. Issue of orders.-The Competent Authority shall issue computer generated transfer order to the concerned Principal / Lecturer on the same day of the counseling.

22. Display on the Notice Board. - After completion of each type of transfer the list of the Principal / Lecturers transferred, indicating the places of transfers against their names shall also be displayed on the notice board. No transfer shall be made after the list is displayed.

23. Responsibility of the Officers.-The Competent Authority concerned shall ensure that the provisions of these rules are observed while effecting transfers and they shall be personally held responsible for any deviations and disciplinary action shall be taken to impose major penalty against such officers.

24. Transfers after the general transfers. - The Director of Pre University Education Department is empowered to affect the transfer of Principal / Lecturers during the academic year only in the following cases namely:-

- (i) transfer in lieu of suspension when disciplinary action are pending;
- (ii) after completion of general transfers if any of the posts specified remains vacant, the Government may post an eligible Principal / Lecturer as mentioned in rule-25; and
- (iii) the posts of Assistant Director in offices of the Director of Pre University Education Department.

25. Public Interest transfers for places which have not been opted by any Lecturer if required. - After completion of general transfers, where no Lecturer has opted for a place in the process of counseling and it is required to be filled based on student Lecturer ratio and in public interest, the State Government may transfer any Lecturer to such place who has completed minimum period of service subject to the following conditions namely;-

- (i) such transfer is only from the Colleges having surplus Lecturers based on student Lecturers ratio;
- (ii) such transfer shall be on the recommendation of the Director of Pre University Education;
- (iii) The Competent Authority shall publish the list of vacancies to which nobody has opted during the process of counseling and to be filled in accordance with student Lecturer ratio under this rule immediately after completion of general transfer. The Competent Authority shall make transfer to such vacancies so notified after completion of General transfers in accordance with this rule and any violation shall be viewed and treated seriously;
- (iv) the Competent Authority shall maintain and publish the statistics of such surplus Lecturers, subject-wise and college wise; and
- (v) Students Achievement Tracking System (SATS) data and the online portal data shall be utilized for assessing students and Lecturer strength and ratio between them and for other related statistical information prevailing in colleges.

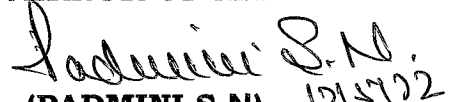
26. Repeal and Savings.- The Karnataka State Civil Services (Regulation of transfer of Lecturers) Rules, 2017, are hereby repealed:

Provided that, such repeal shall not affect,-

- (a) Anything done or any action taken under the said rules; or
- (b) The previous operation of the said rules or anything duly done or suffered thereunder; or
- (c) Any right, privilege, obligation or liability acquired, accrued or incurred under the said rules; or
- (d) Any penalty or punishment incurred in respect of any offence committed under the said rules:

Provided further that, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal of the said rules.

**BY ORDER AND IN THE NAME OF
THE GOVERNOR OF KARNATAKA**


(PADMINI S.N) 12/5/22

Under Secretary to Government (Pre-university)
Department of Primary and Secondary Education