

GOVERNMENT OF KARNATAKA

No: EP 8 ETR 2020

Karnataka Government Secretariat,
6th Floor, M.S.Building,
Bangalore, Dated: 22/07/2020.

NOTIFICATION

The draft of the following rules which the Government of Karnataka proposes to make in exercise of the powers conferred by sub-section (1) of section 18 of the Karnataka State Civil Services (Regulation of Transfer 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 9th June 2020.

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

Now, therefore, in exercise of the powers conferred by Karnataka Civil Services (regulation of teachers transfers) rules 2020 (Karnataka Act No. 4 of 2020) hereby makes the following rules, namely:-

RULES

1. **Title and commencement.**-(1) These rules may be called Karnataka State Civil Services(Regulation of Transfer of Teachers) Rules, 2020.

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

1. 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. (Karnataka Act 4 of 2020);

- (b) 'Child' means unmarried and dependent child of the teacher;
- (c) 'Section' means section of the Act;
- (d) 'Vacant Posts' means a post of a teacher of a particular category or subject, as the case may be, which is vacant and is required as per norms specified by the Government from time to time.
- (e) 'Zone' means,-
 - (i) Zone-A, consisting of areas falling within the limits of all Mahanagara-Palikas, Nagara-Palikas, Nagara-sabha, Pura-Sabha, Pattana-Panchayat, notified areas, Town panchayath areas and Taluk headquarters.
 - (ii) Zone-B, consisting of areas falling within 20 kms from Bangalore city boundary limits, 15 kms from other city corporation limits, 10 kms from District Headquarters, Nagarapalika limits and 5 kms from Nagara shabha, Pura sabha, Pattan Panchayat, Notified areas and Taluk headquarters.
 - (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.

2. Competent Authority.-The Competent Authority for transfer of teachers including those occupying equivalent posts shall be as specified in the Table below,-

TABLE

Category of Teachers	Competent Authority	
	Transfer within the District	Transfer outside the district
Primary School Teacher including Head	Deputy Director of Public Instruction (Administration)	(1) For transfer within same Division: Concerned Divisional Joint Director

Master	of the concerned educational district.	of Public Instruction, (2) For transfer outside a Division: Director (Primary Education),
Secondary School Teacher	Deputy Director of Public Instruction (Administration) of the concerned educational district.	(1) For transfer within same Division; Concerned Divisional Joint Director; of Public Instruction, (2) For transfer outside a Division: Director (Secondary Education) Bengaluru
Secondary School Head Master And Other posts of secondary education specified in Schedule to the Act		(1) For transfer within Division,- (a) Bengaluru and Mysuru Divisions: Joint Director (Admin), Bengaluru; (b) Belagavi Division: Director, Office of Additional Commissioner of Public Instruction, Dharwad; (c) Kalaburagi Division: Director, Office of Additional Commissioner of Public Instruction (2) For transfer outside Division, Joint Director (Admin) Bengaluru.

Note:The Commissioner of Public Instructions or any other officer notified by the Government shall be the 'Transfer Process Controlling Officer' for transfer of categories of teachers specified in the Table above including those occupying equivalent posts.

4. Weighted Score` of a teacher.- (a) Weighted Score of a teacher 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 school 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.

(b) The weighted score shall be calculated based on the service details of the teacher up to December of the previous year as updated by the concerned Drawing and Disbursing Officer (hereinafter referred as DDO) on the website of the department.

(c) If the weighted score of any two teachers is same then the seniority is decided based on date of birth. If date of birth is also the same then the seniority is decided based on the date of joining the service.

(d) The department shall publish the provisional weighted score of all teachers in the first fortnight of January every year on its website. All teachers 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. A teacher may also file an objection to the weighted score of other teachers by producing valid documents. The application for correction or objections shall be made till the end of January. No application for correction or objection shall be entertained beyond January.

(e) The DDO concerned 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.

(f) After the order is passed by the concerned DDO 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.

(g) If the above process is not be 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 (within district)	7%
2	Zonal Transfer	4%
3	Request Transfer (within division)	2%
4	Request Transfer (outside division)	2%

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 timetable for transfer process having the following major steps,

namely:-

(a) Redeployment of sanctioned posts within the district;

(b) Notification of vacant posts;

(c) Notification of Draft list of Teachers to be transferred under Rationalization or Zonal Transfer;

(d) Inviting application for request transfer and exemption from

- Rationalization or Zonal transfer;
- (e) Finalization of `List of teachers to be exempted` and `List of teachers to be given priority`;
 - (f) Preparation and Publication of final list of teachers to be transferred under Rationalization;
 - (g) Rationalization of teachers within the taluk and then within the district;

 - (h) Transfer of teachers working in specified and Technical Assistant Posts;
 - (i) Preparation and Publication of final list of teachers to be transferred under Zonal Transfer;
 - (j) Notification of revised vacant posts along with deemed vacancies;
 - (k) Request transfers within the district;
 - (l) Zonal Transfers;
 - (m) Request Transfers outside the district (within division);
 - (n) Request Transfers outside the division; and
 - (o) Mutual transfers.

NOTE: “The Redeployment and Rationalization of teachers” and “Zonal Transfers” shall be taken up every alternate year. The year in which “The Redeployment and Rationalization of teachers” is taken up, there shall be no “Zonal Transfers” and vice versa.

7. Re-Deployment of Sanctioned post within the District.-Every alternate year the sanctioned posts in a district shall be rationalized school wise depending on the student strength. The excess posts shall be redeployed to needy schools as per the procedure notified by the Government for this purpose. After the completion of the process, the Deputy Director of the district shall issue orders with respect to sanctioned posts in each school for that academic year.

8. Notification of vacant posts:-After redeployment of post, the Deputy

Director of Public Instruction (DDPI) of the concerned district shall notify taluk-wise vacancy position of the District.

9. Notification of draft list of Teachers to be transferred under Rationalization or Zonal Transfer.-The draft list of teachers to be transferred either under Rationalization or Zonal Transfer shall be notified by the DDPI of the concerned District.-

- (i) While preparing draft list of teachers to be transferred under Rationalization, if a subject post in a school has become excess, then all the teachers of that subject working in the school shall be included in the list.
- (ii) While preparing the draft list of teachers to be transferred under the Zonal Transfer, all the teachers who have completed continuous ten years of service in Zone-A, who have not served minimum ten years in Zone-C and who are within the specified age limit shall be included in the list.

10. Exemptions and Priorities.-(1) Exemptions under rationalization and zonal transfers and priority for request transfers conditions specified in section 10 shall be complied

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

Sl No	Exemption or Priorityclaim	Supporting documents
1	Teacher being married to an employee of a Central Government or State Government or Aided Institution	Certificate from the appointing authority of the spouse.
2	Teacher or spouse or child suffering from terminal illness orSerious ailments for which treatment is not available within the talukorteacher	Certificate from the District Medical Board

	or spouse or children having disability of 40% or more	
3	Pregnant teacher or a female teacher with a child less than one year	Certificate from the District Medical Board
4	Widow or 'Widower teacher with dependent children'	Death Certificate of the spouse and Magistrate Affidavit regarding not having remarried
5	Teacher 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
6	Divorcee teacher 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
7	Female teachers aged fifty years or Male teachers aged fifty five years	Certificate issued by the DDO as per Service Register

11. Inviting application for request transfer and exemption from Rationalization or Zonal transfer.-Every teacher 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 / Zonal Transfer

within the time limit notified by the Transfer Process Controlling Officer,-

- (i) The teacher 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 10;
- (ii) The application for exemption from Rationalization/ Zonal Transfer shall also be claimed online along with relevant documents specified in rule 10.
- (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) Teachers identified for transfer under Rationalization or Zonal Transfers may also apply for Request Transfer. Their eligibility and weighted score shall be considered based on their working school prior to Rationalization or Zonal Transfer.

12. Finalization of `List of teachers to be exempted` and `List of teachers to be given priority`.-

- (i) After the final date prescribed for making application for request transfer and application for exemptions under rationalization / zonal transfer, the concerned Block Education Officer shall verify each application of priority or exemption.
- (ii) The Block Education Officer 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 Block Education Officer has any doubts regarding the authenticity or the genuineness of the documents, he shall cross verify with the issuing authority.
- (iv) Then the Block Education Officer 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 teacher;
 - (f) the Block Education Officer 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 teacher` after clear five working days.
- (v) Any teacher who has any objection to either eligible or ineligible cases may file an on-line objection with supporting documents.
 - (vi) The Block Education Officer 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 Block Education Officer shall publish,-
 - (a) final Priority list; and
 - (b) final Exemption list.
 - (viii) Any teacher aggrieved by the order may approach the Grievance Redressal Officer within three working days from the date of publication of the order.

13. Preparation and Publication of final list of teachers to be transferred under Rationalization.-(1)After finalizing list of teachers to be exempted under Rationalization,the senior most teacher of that subject in the school shall be considered for transfer under rationalization excluding the teachers to be exempted.If all the teachers of that subjectbecome eligible for exemption from rationalization then the senior most teacherexcluding teachers with Serious Illness or Physically Handicapped shall be considered irrespective of exemption clause. However, if all of those teachers belong to “Serious Illness or Physically Handicapped” category then the senior most teacher among them shall be considered under rationalization.

(2) After following due procedure laid down in sub-rule (1) the Deputy Director of the concerned district shall publish final list of teachers to be

transferred under Rationalization taluk-wise.

14. Rationalization of teachers within the taluk and then within the district.-(1)Order of priority shall be followed for transfer of teacher under rationalization.

(2) The teachers who are in the final taluk-wise list of Rationalization shall be transferred to the vacant posts within the taluk only. If any teacher refuse to take the vacant post or abstains from counseling, the transfer authority shall transfer such teacher through dummy counseling after completion of counseling process of that taluk.

(3) If `serious illness or Physically Handicapped` teachers are identified as excess, then while transferring such teachers the transferring authority shall provide them first priority in the process of counseling irrespective of weighted score.

(4) After rationalization of teachers within the taluk, the excess teachers remaining due to non-availability of vacancies in the taluks shall be combined and a fresh order of priority shall be prepared for the district. Then excess teacher in the combined list may be transferred to any vacant post within the district.

(5) If there are no vacancies within the district, then the excess teacher shall be placed in the schools having highest PTR ratio within the district.

15.Transfer of teachers working in specified and Technical Assistant Posts.-

(1)The teachers working in specified and technical posts who have completed maximum tenure shall be transferred to the schools through counseling process to any vacant post in the district. If no vacancies within the district, the teacher shall be placed in the schools having highest PTR ratio within the district.

(2) The teachers who have completed minimum tenure of three years in the above posts may seek transfer to the vacant post during the transfer process. If they do not get the vacant post of their choice, they shall continue in the specified post

till the completion of maximum tenure:

Provided that the teachers working in the above posts may also be transferred to any vacant post in the Zone C of the district if their performance is not satisfactory

(3) Order of priority shall be the basis for counseling.

16. Preparation and Publication of final list of teachers to be transferred under Zonal Transfer.-Every alternate year the zonal transfers as undersection 5 of the Act shall be taken up. After considering the claims for exemptions under Zonal Transfer, the DDPI of the concerned district shall publish the taluk-wise final list.

17. Notification of revised vacant posts along with deemed vacancies.-

- (1) In the year in which Rationalization is taken up, the DDPI shall publish the taluk wise vacancies after Rationalization process; or
- (2) In the year in which zonal transfer is taken up, the DDPI of the concerned district shall publish taluk wise vacancies along with deemed vacancies of teachers enlisted in the final list of Zonal Transfer.

18. Request transfers within the district.-

- (i) Based on the applications received for the request transfers within the district, 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) The application received from the taluk with more than twenty-five percent vacancies shall not be considered for transfer.
- (iii) Within each category, the seniority shall be decided based on the Order of priority.
- (iv) 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.

- (v) 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.
- (vi) The teacher appearing for counseling may choose any vacancy within the district. The transferring authority shall issue computer generated transfer order in the counseling centre itself. If no suitable vacancy is available the teacher may choose to continue in the existing post. An Undertaking to this effect from the teacher 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.

19. Zonal Transfers.-(1) After completion of request transfer within the district, the teachers in the taluk-wise final list of Zonal Transfer shall be transferred to the vacant posts in Zone B or Zone C within the taluk. If any teacher refuse to take the vacant post or abstains from counseling, the competent authority shall transfer such teacher through dummy counseling after completion of counseling process of that taluk.

(2) After transfer of teachers within the taluk, the teachers remaining due to non-availability of vacancies in the taluks shall be combined and a fresh order of priority shall be prepared for the district. The teacher in the combined list may be transferred to any vacant post in Zone B or Zone C anywhere in the district.

(3) In case of non-availability of vacant posts in either Zone B or Zone C within the district,

- (a) if the deemed vacancy is not opted during Request transfer, then such teacher shall be allowed to continue in the same school till next Zonal transfer.

- (b) if the deemed vacancy is opted during the Request transfer then such teacher shall be posted to any vacancy in Zone A. If there are no vacancies anywhere in Zone A, ZoneB or ZoneC then such teacher may be placed in the schools having highest PTR ratio in Zone B or ZoneC.

20. Conduct of transfers.-(1) All transfers shall be carried out only through the online computerized counseling through Information Technology on Teacher Transfer Portal.

(2) The applicants on the priority list shall be intimated about the dates for counseling through press notes, radio and TV announcements. On the date for counseling the applicants shall be called in order of their priority and shall then be asked to choose any one of the vacant posts available at such a session a displayed on the computer screen.

21. Request Transfers within the unit of seniority.-

- (i) The Competent Authority shall prepare and publish final list of teachers for transfer within the unit of seniority.
- (ii) The application received from the taluk with more than twenty five percent vacancies shall not be considered for transfer
- (iii) The counseling for transfers shall be taken up in the sequence under clauses (i) to (v) of section 10 of the Act and general category.
- (iv) Within each category the priority shall be decided based on the Order of priority.
- (v) The total number of request transfers within the unit of seniority under taken under clause (v) of section 10 of the Act and general transfers shall be within the transfer limits specified under rule 5.
- (vi) The teacher appearing for counseling may chose any vacancy within the unit of seniority. The transferring authority shall issue computer generated transfer order in the counseling centre itself.

If no suitable vacancy is available the teacher may chose to continue

in the existing post. An Undertaking to this effect from the teacher 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.

- (vii) Requests for transfer within the district shall be considered in the first round of counseling on requests for transfer outside the district shall be considered in the next round of counseling

22. Request transfer outside the unit of seniority.-The teacher who has requested for transfer outside the unit of transfer may be considered subject to following conditions, namely:-

- (1) application received from Taluk with more than twenty five percent of vacancy shall not be considered;
- (2) must have completed minimum period of service;
- (3) he shall loose his seniority and he shall be placed below of all in the cadre in the new unit of seniority to which he is transferred;
- (4) he shall not be posted to the unit where there are surplus teachers as per pupil teacher ratio; and
- (5) other condition specified in section 6 shall be complied.

23. Completion of counseling.- The exercise of transfer through computerized counseling process under Zonal and 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.

24. Mutual transfers.-

- (i) eligibility :
 - (a) Must have completed minimum seven years of service.
 - (b) Must have a minimum balance service of five years before retirement.

- (c) Must not have availed Mutual Transfer earlier.
- (d) Both teachers seeking mutual transfer shall apply within the prescribed time on the Teacher 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 and take up counseling process.

25. Issue of orders.-The competent Authority shall issue computer generated transfer order to the concerned teacher on the same day of the counseling at the counseling centre.

26. Display on the Notice Board.- After completion of each type of transfer the list of the teachers 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. If any transfers are made after display of the list without the prior approval of the transfer controlling officer, the Competent Authority concerned shall be held personally responsible and disciplinary action shall be taken against them.

27. 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.

28. Transfers after the general transfers.- The Heads of Department are empowered to effect the transfer of teachers during the academic year only in the following cases namely:-

- (i) transfer in lieu of suspension when disciplinary action are pending;
- (ii) transfer consequent to promotion;
- (iii) after completion of general transfers if any of the posts specified remains vacant, the Government may post an eligible teacher who has passed the prescribed examination; and
- (iv) the posts in offices of the Commissioner of Public Instructions,

Additional Commissioner of Public Instructions, head offices of SSA and RMSA, other state level offices of Public Instructions Department such as DSERT, KTBS, KSEEB, CTEs , DDPIs , DIETs shall be selection posts outside the counseling process.

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

- (i) such transfer is only from the schools having surplus teachers based on student teachers ratio and from taluks having less than twenty percent of vacant posts;
- (ii) such transfer shall be to a district or taluk or School Where more than twenty percent of vacancies exist;
- (iii) such transfer shall be on the recommendation of the competent authority as specified in rule 3 through the Commissioner of public instructions as the case may be;
- (iv) 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 teacher 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;
- (v) the competent authority in districts having surplus of teachers have to publish the statistics of such surplus teachers subject wise but shall not publish the names of either the schools or the teachers; and
- (vi) students Achievement Tracking System (SATS) data and the Teacher

Data System (TDS) data shall be utilized for assessing students and teacher strength and ratio between them and for other related statistical information prevailing in schools or Taluks or District.

30. Repeal and Savings.-Except the provisions relating to transfer of Lecturer or Principal of Pre-University College, the Karnataka State Civil Services (Regulation of transfer of Teachers) 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 there under; 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**

(SHEKHARA)

Under Secretary to Government (Primary), I/C
Department of Primary and Secondary Education