

**ANDHRA PRADESH SCHOOL EDUCATION TEACHERS AND
OTHER EMPLOYEES (ABOLITION OF EXISTING SERVICE
CADRES AND REGULATION OF RECRUITMENT AND
CONDITIONS OF SERVICE) ACT, 2005**

27 of 2005

[25th October, 2005]

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An Act provide for restructuring and econstitution of Service Cadres of Teachers orking in Government and Mandal Parishad and Zilla Parishad Schools and others Employees of school Education Department and Matters Connected Therewith orIncidental thereto. Whereas, the conditions of service of teachers of Government schools were governed by the Andhra Pradesh Educational Subordinate Service Rules issued in G.O.Ms.No. 78, G.A. (Rules) Department, dated 10-1-1962; And whereas, the conditions of service of teachers under the control of the Zilla

Parishad and Panchayat Samithi Schools were governed by the rules issued in G.O.Ms.No. 936, Planning and Local Administration (SandP) Department, dated 17-7-1962 and G.O.Ms.No. 33. Panchayat Raj Department, dated 25-1-1966; And whereas, the services of the teachers of the Panchayat Samithi and Zilla Parishads were provincialised vide G.O.Ms.No. 168, panchayat Raj Department, dated 20-3-1981 and the services of the teachers working in the Zilla Parishad and Mandal Parishad Schools were brought under Andhra Pradesh Educational Subordinate Service Rules through issuance of G.O.Ms.No. 278, Education, dated 20-6-1983 duly amending G.O.Ms.No. 78, G.A. {Ser. I} Department, dated 10-1-1962; And whereas, the rules were issued merging the cadres of teachers working in the Government, Zilla Parishad and Panchayat samithi Schools in G.O.Ms.No. 40. Education (Services. II) Department, dated 7 2 1992: And whereas, the said rules were challenged before the Honourable Andhra Pradesh Administrative Tribunal in O.A. No. 3343 of 1992 and batch; And whereas, the Andhra Pradesh Administrative Tribunal while disposing the said O.As. on 30-7-1997 directed the Government to review the said rules and rectify the discrepancies; And whereas, the Government have accordingly issued revised rules governing the service conditions of teachers working in Government and Mandal Parishad and Zilla Parishad Schools called the Andhra Pradesh Educational Subordinate Service Rules in G.O.Ms.No. 538, Education, dated 20-11-1998; And whereas, the Government also issued the Andhra Pradesh Education Service Rules governing the Service Conditions of the Gazetted Officers in G.O.Ms.No. 505, Education, dated 16-11-1998 in supersession of G.O.Ms.No. 259, G.A. (Rules) Department, dated 9-2-1962; And whereas, the revised rules issued in G.O.Ms.No. 505, Education, dt. 16-11-1998 and G.O.Ms.No. 538, Education, dated 20-11-1998 were challenged before the Honourable Andhra Pradesh Administrative Tribunal in O.A.Nos. 8313 of 1998 and batch; And whereas, the Andhra Pradesh Administrative Tribunal in its order, dated 14-5-2000 upheld the validity of the rules issued in G.O.Ms.No. 505, Education, dated 16,11-1998 and in G.O.Ms.No. 538, Education, dated 20-11-1998 but set aside the rules relating to giving retrospective effect to the rules issued in G.O.Ms.No. 505. dated 16-11-1998; And whereas, the Division Bench of the Honourable High Court of Andhra Pradesh in its judgment in W.P.Nos. 11325 of 2000 and batch dated 18-9-2003 quashed the Andhra Pradesh Educational Subordinate Service Rules issued in G.O.Ms.No. 538,

Education Department, dated 20-11-1998 and restored the rules framed by the Government in G.O.Ms.No. 278, Education, dt. 20-6-1983; And whereas, the High Court declared the rules issued in G.O.Ms.No. 505, Education Department, dated 16-11-1998 as invalid to the extent of the posts covered by G.O.Ms. No. 529, Education, dated 14-5-1976; And whereas, the Government filed SLP Nos. 9467-82 of 2004 in the Honourable Supreme Court of India challenging the said judgment of the High Court; And whereas, the said SLP is pending before the Apex Court; And whereas, the District Selection Committees, 2003 (DSC) have selected 16,449' candidates for appointment as teachers and their appointments could not be made for want of integration of cadres for the teachers working in Government Schools, Mandal Parishad and Zilla Parishad Schools; And whereas, the exercise of rationalisation of teacher posts, transfers and promotions of teachers could not be undertaken which is adversely affecting education of the children in schools; And whereas, all the children up to the age of 14 years are to be enrolled, retained in schools and they are to be provided quality education by 2010 under Sarva Siksha Abhiyan programme; And whereas, 93% of teachers are in Mandal Parishad and Zilla Parishad Schools and only 7% are in Government Schools; And whereas, the Constitutional obligation of providing free and compulsory education to all the children up to the age of 14 years could be better achieved by bringing all the teachers holding civil posts into one administrative fold for proper monitoring and supervision; And whereas, the Government intends to remove disparities and bring about uniformity in the service conditions of teachers working in the schools belonging to Government, Mandal Parishad and Zilla Parishad And whereas, the State by appropriate Act and rules is entitled to amalgamate or bifurcate departments and constitute different categories of posts of cadres by undertaking further classification, bifurcation of amalgamation as well as to reconstitute and restructure the pattern and cadres/ categories of service, as may be required from time to time by abolishing the existing cadres/ posts and creating new cadres/posts; And whereas, Government considered it necessary to abolish the existing cadres of teachers and other employees in School Education Department and reconstitute them into new cadres by undertaking a legislation. Be it enacted by the Legislative Assembly if the State of Andhra Pradesh in the Fiftyth year of the Republic of India as follows

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