

# **H.C. ARORA**

ADVOCATE

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**PUNJAB & HARYANA HIGH COURT**

EMAILS ADDRESS:-

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SECTOR 44-C,

CHANDIGARH-160045

Dated: 5.1.2020

To,

1. The Adviser to Administrator, Chandigarh Administration, Sector 9, Chandigarh.
2. District Education Officer-cum-Nodal Officer (under Right to Education Act), 5 Sukhna Path, Sector 19-C, Chandigarh.
3. Director General of School Education, UT Chandigarh, 1<sup>st</sup> Floor, Additional Deluxe Building, Sector-9, Chandigarh.

**Subject:- Demand Notice – seeking stoppage of illegal and non-teaching work being extracted from the teachers in various Government Schools.**

## **By Speed Post/E-mail**

Dear Sirs,

I hereby serve the following notice on you:-

1. That under Section 27 of the Right of Children to Free and Compulsory Education Act, 2009, there is complete prohibition on deployment of teachers in non-educational purposes. The said provision is reproduced hereunder for the sake of ready reference at your level:-

**“27 Prohibition of deployment of teachers for non-educational purposes.**

—  
No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be.”

2. That it is unfortunate that in the Union Territory, Chandigarh, a lot of illegal and non-teaching work is being extracted from the teachers, in gross violation of the aforesaid salutary provisions of the 2009 Act. The detailed particulars of such illegal and unauthorized work being extracted from the teachers are given hereunder, by way of illustrations:-

1. Recently, the Education Department issued a public notice in the beginning of December, 2019, conveying to the public that household survey/child mapping survey shall be conducted by the teachers/staff being deputed for such survey/child mapping. The residents of Chandigarh were requested to cooperate with the teachers/staff so deputed for such work. I take this opportunity to inform you that the Hon'ble Delhi High Court has issued an order dated 16.1.2019 in WP (C) No. 12133 of 2016 (Akhil Delhi Prathmik Shikshak Sangh Vs. Govt. of NCT Delhi and others), in para No. 30 of the said judgment, given the following direction to the Education Department of Government of NCT of Delhi:-

“30. This writ petition is, therefore allowed in the following terms:

(i) Notification nos. D/DDE/NGZ/2016/1178 dated 5<sup>th</sup> July, 2016, D/DDE/NGZ/2016/1292 dated 14<sup>th</sup> July, 2016 and D/DDE/NGZ/2016/1310 dated 15<sup>th</sup> July, 2016 issued by the SDMC and Office Orders Nos. D/1899/APE/Plan/HQ/2016 dated 26<sup>th</sup> August, 2016 and D/1897/ADE/Plan/Edu/HQ/NDMC dated 8<sup>th</sup> September, 2016 issued by the North Delhi Municipal Corporation, insofar as they require the principals or the teachers to conduct household survey and participate in preparation of the Ward Education Register, are quashed and set aside.

(ii) Regarding the challenge to the stipulation, requiring the teachers to aid in opening of the bank accounts of the children is concerned, it is clarified that while the authorities would be justified in requiring assistance of the principals and teachers of the schools in this respect, the requirement shall not be treated as mandatory, or as the basis for proceeding against the principals and teachers for non-rendering adequate assistance in that regard.”

Thus, in view of the aforesaid judgment of the Hon'ble High Court of Delhi, I call upon you to ensure that in future, the teaching staff of Government Schools is not assigned duty for such household survey/child mapping survey.

2. I have also come to know that the teachers are being appointed as BLOs (Block Level Officers) and they have to discharge the duties as such BLOs throughout the year. This results into adverse effects on the education of the students. In this connection, I may bring it to your notice that the Director, Government of India, Ministry of Human Resources Development, Department of School Education and Literacy, has issued instructions to all the Education Secretaries of States/UTs vide their letter dated 13.9.2010 to the following effect:-

“Duties relating to election to the local authority or the State Legislatures or Parliament relate to conduct of elections and the consequent deployment of teachers on the days of poll and counting, the time spent on training imparted to them and collection of election material for such deployment. All other duties relating to electoral roll revisions will be undertaken on holidays and during non-teaching hours and non-teaching days.”

In the circumstances, I call upon you to immediately withdraw all the duties of BLOs assigned to teaching staff of the Government Schools under Section 27 of the Right of Children to Education Act, 2009, which envisages only the deployment of teachers for election duties relating to elections to the local authority, or to the State Legislature or Parliament, as the case be. Such obligation on the part of the teaching staff is only in relation to the duties

assigned to them as election staff at the time of elections, and not throughout the year.

3. It has come to my knowledge that the various teachers working in the Government Schools are being assigned the duty pertaining to maintenance of records of “school funds” of various types which includes (i) PLA Fund (Personal Ledger Account Fund), which is a record of all funds maintained by the teaching staff of the school; (ii) Amalgamated Fund; (iii) Building Fund; (iv) Child Welfare Fund; (v) Music Fund; (vi) Sports Fund; (vii) Science Fund; (viii) Dilapidated Fund; and (ix) Samagra Shiksha Fund etc. It is pertinent to bring to your notice that in several Government High Schools, there is one post of Clerk, who is supposed to maintain the records of all such funds, but unfortunately such work is being assigned to the teaching staff, which is in gross violation of the prohibition contained in Section 27 of the 2009 Act. Not only that, in the Senior Secondary Schools, there is one post of Clerk, one Accountant, and one Data Entry Operator (DEO). The aforesaid staff is also not being allotted the work related to maintenance of various records, the teachers instead of being permitted to give their undivided attention to the teaching work, are burdened with non-teaching work which takes toll of most of their time, and thus, adversely effects the education of the students.

I would therefore, call upon you to immediately withdraw the entire work pertaining to maintenance of funds from teaching staff, which is assigned presently to them .

4. It has also come to my notice that the addressee No. 2 DEO-cum-Nodal Officer, RTE Act, 2009 has issued instructions to the Government Schools, directing that the Principal along with one teacher should personally visit the kitchen , which provides mid-day meal to their school. Accordingly, one Principal and one Teacher regularly visit such kitchens, which are being operated from (i) Shivalik Hotel Chandigarh; (ii) Hotel Management Institute in Sector 42 etc. That apart, when the mid-day meal arrives in the school, one teacher has to receive it and to supervise it, for further distribution amongst students. Such non-teaching work also takes the toll of most of the time of the teaching staff which adversely effects the education of the school children. What is expected from you is to appoint some appropriate authority to receive and supervise such mid-day meals, to be distributed amongst the students. The teachers should not be asked to supervise such mid-day meals in the manner mentioned above. In this context, I may bring to your notice the recommendations made by a Committee, in its Annual Report 2013-14 published by the MHRD, Government of India, which are to the following effect:-

“iii) School Management should also be encouraged to draw the support of the community especially mothers’ groups. Gram Panchayat and School Management Committee (SMC) may be approached for organizing community members to regularly help the school management on a rotation basis, in ensuring efficient cooking, serving and cleaning operations. **It has been clarified that teachers are not to be involved in cooking or its supervision in any manner, as it would affect the teaching –learning process adversely.** However, the involvement of teachers and community members in ensuring that children eat together in a spirit of camaraderie and develop sensitivity to their peers with different abilities by offering them precedence and

instilling values of equality and cooperation could be very effective in attaining the objectives of the Programme.”

A perusal of the aforesaid recommendations shows that teachers are not to be involved in cooking or supervision of the mid-day meals in any manner, as that adversely affects the teaching/learning process

I would therefore, call upon you to withdraw such duties from the teaching staff in the Government Schools, which are obviously in gross violation of the prohibition contained in Section 27 of 2009 Act.

To sum up, I would call upon you to look into all the aforesaid legitimate grievances being raised by me, in the interest of maintaining the standard of education in the Government Schools, by withdrawing all the non-teaching work from the teachers employed in Government Schools.

In case the needful is not done within a period of one month, or I do not receive any response from you within the aforesaid period, in that event, I would be left with no other alternative except to file appropriate proceedings/Public Interest Litigation (PIL) in the Hon'ble High Court of Punjab and Haryana at Chandigarh for seeking the redressal of my aforesaid legitimate grievance in public interest.

Meanwhile, please acknowledge receipt of this notice.

(H.C. ARORA)

ADVOCATE