

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਰਾਜ ਸਿੱਖਿਆ ਖੋਜ ਅਤੇ ਸਿਖਲਾਈ ਪ੍ਰੀਸਦ, ਪੰਜਾਬ  
ਬਲਾਕ ਈ, ਛੇਵੀਂ ਮੰਜਿਲ, ਪੰਜਾਬ ਸਕੂਲ ਸਿੱਖਿਆ ਬੋਰਡ ਕੰਮ, ਫੇਜ਼ - 8 ਮੋਹਾਲੀ  
ਫੋਨ ਨੰ: 0172-2212221, ਫੈਕਸ ਨੰ: 0172-2212793

ਵੱਲ,

Narinder singh S/o Piara Singh  
R/O Naushehra Mazza Singh Tehsil  
and District Gurdaspur.

ਮੀਮੋ ਨੰ: 10/1-2017 (ਐਫੀ) 4082  
ਮਿਤੀ ਐਸ.ਏ.ਐਸ. ਨਗਰ 11-05-2018

ਵਿਸਾ: ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ 845/ 2018 Narinder Singh and others versus State of  
Punjab and others.

ਉਪਰਕੋਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵੱਲੋਂ ਕੀਤਾ ਗਿਆ  
ਫੈਸਲਾ ਮਿਤੀ 18-01-2018 ਦੀ ਪਾਲਣਾ ਹਿੱਤ ਸਪੀਕਿੰਗ ਆਰਡਰ ਦੀ ਕਾਪੀ ਆਪ ਜੀ ਨੂੰ ਭੇਜੀ ਜਾਂਦੀ  
ਹੈ।

-ਜੀ-

ਡਾਇਰੈਕਟਰ

ਐਸ.ਸੀ.ਈ.ਆਰ.ਟੀ. ਪੰਜਾਬ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: ਉਕਤ

ਮਿਤੀ: ਐਸ.ਏ.ਐਸ. ਨਗਰ -05-2018

ਸਪੀਕਿੰਗ ਆਰਡਰ ਦਾ ਇੱਕ ਖਰੜਾ DM (MIS) ਨੂੰ ਵੈਬਸਾਈਟ ਤੇ ਪਾਉਣ ਹਿੱਤ ਭੇਜਿਆ  
ਜਾਂਦਾ ਹੈ।



ਡਾਇਰੈਕਟਰ

ਐਸ.ਸੀ.ਈ.ਆਰ.ਟੀ. ਪੰਜਾਬ।

# **Office of Director State Council of Educational Research and Training Punjab**

## **Order**

Whereas, the petitioners had filed Civil Writ Petition No. 845 of 2018- Narinder Singh and others Versus State of Punjab and others before the Hon'ble High Court, wherein they have inter-alia prayed for quashing the letter dated 22.09.2017 passed by the Director State Council of Educational Research and Training, Punjab, and quashing the order dated 29.11.2017 vide which the petitioners have been denied the six months Bridge Course. The Hon'ble High Court vide its order dated 18.01.2018 disposed of the said Writ Petition, the relevant portion of same is reproduced as under:-

"This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing the letter dated 22.09.2017 (Annexure P-15) passed by respondent No.4 and for quashing of order dated 29.11.2017 (Annexure P-19) whereby petitioners have been denied the six months course of PDPET.

Learned counsel for of the petitioners states that at this stage he would be satisfied if a direction is issued to respondent No.1- Secretary to Government Punjab, Department of Education, Punjab Civil Secretariat, Chandigarh to consider and decide the representation dated 04.09.2017 (Annexure P-17).

Heard.

In the circumstances, respondent No.1- Secretary to Government Punjab, Department of Education, Punjab Civil Secretariat, Chandigarh is directed to consider and decide the representation dated 04.09.2017 (Annexure P-17) by passing a speaking order within a period of three months from the receipt of certified copy of the order.

Disposed of."

And whereas, the National Council for Teacher Education(NCTE) proposed the six months Bridge Course Professional Development Programme for Elementary Teachers (PDPET) for the teachers in service through National Institute of Open Schooling, who are Graduate and possessed the Degree of Bachelor in Education

(B.Ed.) from recognized institution from NCTE and teaching from 1<sup>st</sup> to 5<sup>th</sup> standard.

And whereas, in order to define teacher, Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, deals with the qualifications for appointment and terms and conditions of service of teachers, is reproduced as under:-

**"Section 23. Qualifications for appointment and terms and conditions of service of teachers**

- (1) any person possessing such minimum qualification, as laid down by any academic authority, authorized by the Central Government by Notification shall be eligible for appointment as a teacher.
- (2) Where a state does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section(1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

- (3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed."

And whereas, the petitioners are Education Volunteers/Education Providers who were appointed by the Village Education Development Committee (VEDC) of the concerned village constituted under the Sarva Shiksha Abhiyan project, the guidelines of which are laid down by MHRD for proper implementation and it is worth mentioning here that Sarva Shiksha Abhiyan is a Society registered under the Society Registration Act, 1860.

And whereas, in view of the clause 39.16 of Manual of the Sarva Shiksha Abhiyan Authority, Punjab had issued the instructions on 29.11.2004 and 29.05.2005 to appoint regular teachers as BRP's and Education Volunteers in lieu of regular teachers posted as BRP's. Hence, regular teachers were appointed as Block Resource Person (hereinafter referred to as 'BRP') to ensure that the entire

project is implemented. On appointment of regular teachers as BRP's, there would be a temporary shortage of teaching faculty in the concerned school. Therefore, in order to overcome this problem, Savra Shiksha Abhiyan Authority issued instructions/guidelines from time to time for the appointment of Education Volunteers/Shiksha Karmis/Service Providers in the concerned School in lieu of the appointment of regular teachers as BRP's. The education volunteers were appointed by Village Education Development Committee (VEDC) of the concerned village. The instructions issued for appointment of Education Volunteers in lieu of BRPs are reproduced as under:-

1. In lieu of one BRP in the school from which the BRP is drawn. The Education Volunteers to be appointed in lieu of the BRP has to be from the same village only. However if the EV is not available in the same village, he/she can be appointed from nearby village.
2. The Education Volunteer should be selected by the VEDC purely on merit basis.
3. The age of Education Volunteer should be between 20 years to 35 years.
4. Preference should be given to science and mathematics graduate.
5. Honorarium would be given according to education qualification as under:

i. Graduate	Rs. 2500/- PM
ii. Graduate + B.Ed	Rs. 3000/- PM
iii. Post Graduate+ B.Ed	Rs. 3500/- PM
6. VEDC is responsible for the appointment, supervision/monitoring/evaluation and removal of EVs.

And whereas, as per the instructions dated 29.11.2004 issued by Sarva Shiksha Abhiyan Authority, Punjab, the Village Education Development Committee (VEDC), constituted under the project, was empowered to appoint two Education Volunteers in lieu of one Block Resource on the payment of wages stipulated in the said instructions. On 12.12.2008 Sarva Shiksha Abhiyan Authority Punjab had further taken a policy decision that three Education Volunteers may be appointed in place of one Block Resource Person ( BRP). Now in Sarva Shiksha Abhiyan Authority, Punjab has already decided not to appoint any Education Volunteer w.e.f. 29.04.2011 and supervision and control of Education Volunteers have also been taken under the domain of Sarva Shiksha Abhiyan Authority Punjab after being withdrawn from the Village Education Development Committee (VEDC).

And Whereas, the appointment process of Education Volunteers/Service Providers viz-a-viz teachers as per section 23(1) of Right of Children to free and

Compulsory Education Act, 2009, is entirely different as the appointment of Education Volunteers/Service Providers were made as per stop gap arrangement on temporary vacancy against the regular teachers who were sent on deputation as Block Resource Person and District Resource Persons. The Education Volunteers/Service Providers have no specific period and no formal contract qua length of their service. Further their appointments and removal was with Village Education Development Committee (VEDC) only.

And whereas, it is clear from above that Education Volunteers/Service Providers are not appointed by following the due procedure after a proper advertisement, inviting of applications, holding selection through a body of experts or written examination or interview as Government Teachers are appointed by the State and thus they do not fall within the definition of teacher as per section 23(1) of RTE.

And whereas, the Hon'ble Supreme Court of India vide its order dated 02.02.2006, passed in Appeal (Civil ) no. 933 of 2006- Union Public Service Commission Vs. Girish Jayanti Lal Vaghela & Others ,held that the appointment to any post under the State can only be made after a proper advertisement has been made by inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee. The relevant para 10 of the said judgment is reproduced as under :

"10. The words "employment" or "appointment" cover not merely the initial appointment but also other attributes of service like promotion and age of superannuation etc. The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to a post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper

selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution.”

And Whereas, the appointment and other conditions of the present petitioners are not equivalent to the regular teachers in service appointed by the State Government after following the proper procedure as discussed above. The present petitioners were only kept as stop gap arrangement through Village Education Development Committee (VEDC) and were paid fixed honorarium and no salary increment and other perks by the State. Therefore, the petitioners can not be considered as teacher in service to whom the privilege of undergoing six months Bridge Course is available as per the instructions issued by MHRD from time to time.

In view of the above, I Krishan Kumar, IAS, Secretary to Government of Punjab, Department of School Education, after considering of the case of the petitioners, come to conclusion that claim of the petitioner for allowing them to complete six months bridge course (Professional Development Programme for Elementary Teachers), from National institute of open schooling is not maintainable and hereby rejected and the representation dated 04.09.2017 is decided accordingly.



~~Krishan Kumar, IAS,~~  
Secretary to Government of Punjab,  
Department of School Education

Endt. No.

Dated

A copy is forwarded to the following for information :-

1. Sh. Narinder Singh S/o SH. Piara Singh R/o Naushehra Mazza Singh Tehsil and District Gurdaspur.
2. All petitioners through official website [www.ssapunjab.org](http://www.ssapunjab.org).



~~Krishan Kumar, IAS,~~  
Secretary to Government of Punjab,  
Department of School Education