

Government of Punjab
Department of School Education

To

- 1) All Deputy Commissioners of Punjab.
- 2) All District Education Officer of Punjab.

Memo No. DPSE-SEDUOLEGL/2/2021320894
Dated: 16-09-2021

Subject: Deployment of Teachers for election duties and other duties.

1.0 Kindly refer to the subject cited above.

2.0 Earlier, a CWP No. 19773 of 2015 was filed in the Hon'ble Punjab and Haryana High Court, *inter-alia*, seeking directions not to assign non teaching duties on working days and gazetted holidays to the teachers. In the said writ petition it has also been contended by the petitioners that they have been assigned the duties of Booth Level Officers. The duties of Booth Level Officer, *inter-alia*, include (i) revision of voter list; (ii) preparation of fresh votes and thereafter voter list; (iii) conducting the elections for Parliament, Legislative Assembly and Local Bodies; (iv) data entry and recording of issues regarding elections.

3.0 While disposing of the said writ petition vide order dated 19.09.2019, the Hon'ble Punjab and Haryana High Court referred the judgment of Hon'ble Supreme Court of India rendered in case of Saint Mary's School's case, wherein, the Supreme Court held as under :-

"32. We would, however, notice that the Election Commission before us also categorically stated that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and nonteaching hours; whereas non-teaching staff be put on duty any time. We, therefore, direct that all teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching day. Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law."

4.0 Relying upon the above judgment, the Hon'ble Punjab and Haryana High Court decided as under:-

"It is to be noted that usually the elections of Parliament and the State Legislatures or other Constitutional bodies are held once in five years. A large number of personnel are required to be engaged in the smooth conduct of such elections. The teaching personnel being qualified and large establishment, are put on election duties by the State Election Commissioner. Reasonable remunerations are also paid by the State Election Commission. Thus the teaching personnel

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like the petitioners, cannot be given total exemption from performing the duties relating to the elections. However, the election duties may not be assigned beyond the instructions dated 06.12.2015 (Annexure R-1) and the purpose indicated in the Right of Children to Free and Compulsory Education Act, 2009."

5.0 In view of ongoing litigation, the Department had issued instructions vide letter No. S.B./2013/201502196-2267, dated 06.02.2015 (and not 06.12.2015 as indicated above) reproduced as given below:-

"Section 27:- No teacher shall be deployed for any non-educational purpose 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.

As per above the teachers may be deployed/deputed regarding census natural disaster and election work.

32. We would, however, notice that the Election Commission before us also categorically stated that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and nonteaching hours; whereas non-teaching staff be put on duty any time. We, therefore, direct that all teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching day. Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law.

Therefore at different point of time and as per requirement the assistance/support of the teachers may be sought. But it is also being directed that keeping in view the study/education of the students, the support of the teachers may be sought only after the schools hours and on holidays."

6.0 However, violations of the above instructions issued in compliance with the directions of the Court, have come to the notice. Due to this the Department has received many legal notices and the possibility of facing a contempt is always there. At the same time it is also felt that the election work is mandatory as the same is also provided for in section 27 of Right to Education Act. Keeping in view the study of the students/Right to Education is not adversely affected and at the same time the election work also carried out smoothly, the following instructions are issued:


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- (i) The main subject teachers teaching Maths, Science, English, SST, Punjabi and Hindi may not be put on election/BLO duty as in their place the non-teaching staff be provided as a substitute to the respective Deputy Commissioner by the DEOs.

(ii) In case of the teaching staff, the vocational teachers wherever available may be provided to the DCs for election duty in case the number of students in respective vocational trades is less than five or alternatively in case the school principal decides that the vocational teachers can be provided for election duty.

(iii) If the teaching personnel are not sufficient and the teaching staff is required to be put on election duty, they shall not do this duty during the school hours as per the directions given by the Court and also mentioned in the letter dated 06.02.2015. Such teachers will do the duty during the off hours or during holidays, due compensation in terms of leaves etc. shall be provided to them subsequently.

(iv) So far as the non-teaching staff is concerned they can be relieved even during the school hours for BLO/school duties.

(v) It shall be the duty of the DEOs to ensure that no teacher is ever put on any non-teaching duty except as provided under the Right to Education Act i.e. election work, Disaster Management and Census work without the approval of the DPI(SE) in the Head Office.

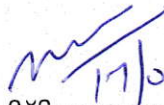

Secretary School Education

ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫ਼ਸਰ (ਸੈ.ਸਿੱ) ਮਾਨਸਾ।

ਪਿੱਠ ਅੰਕਣ ਨੰ:ਜੀ-2/ਚੋਣਾਂ/ 2021321228

ਮਿਤੀ ਮਾਨਸਾ: 17/9/21

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸਮੂਹ ਸਕੂਲ ਮੁਖੀਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।


ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫ਼ਸਰ (ਸੈ.ਸਿੱ)
ਮਾਨਸਾ। 17/09/2021