



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೪ಎ Part -IV A	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ೨೯, ಜನವರಿ, ೨೦೨೧ (ಮಾಘ, ೯, ಶಕವರ್ಷ, ೧೯೪೨) BENGALURU, FRIDAY, 29, JANUARY, 2021 (Magha, 9, SHAKAVARSHA, 1942)	ನಂ. ೧೩೯ No. 139
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GOVERNMENT OF KARNATAKA

No. ED 151 DCE 2020

Karnataka Government Secretariat,
M.S. Building,
Bengaluru, dated: 29.01.2021

NOTIFICATION

Whereas The draft of the Karnataka Civil Services (Regulation of transfer of Teaching Staff of Department of Collegiate Education) Rules, 2020, was published as required by clause (a) of sub-section (2) of Section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), in Notification No. ED 151 DCE 2020, dated:17.11.2020 in part IV-A of the Karnataka Gazette Extraordinary No. 555 dated:17.11.2020 inviting objections and suggestions from all persons likely to be effected thereby within fifteen days from the date of its publication in the official Gazette.

And whereas, the said Gazette was made available to public on 17.11.2020.

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

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby make the following Rules, namely

RULES

- 1. Title, application and commencement.-** (1) These Rules may be called The Karnataka State Civil Services (Regulation of Transfer of Teaching Staff of Department of Collegiate Education) Rules, 2021.
(2) The provisions of these rules shall be applicable to teaching staff of the Department of Collegiate Education as specified in the Schedule.
(3) They shall come into force from the date of their publication in the official Gazette.
- 2. Definitions-**(1) In these Rules, unless the context otherwise requires, -

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- (a) "**Actual working**" means working of teaching staff at the place where his daily attendance is recorded;
- (b) "**Appointment**" means appointment by direct recruitment by absorption or by promotion;
- (c) "**Appointing Authority**" means authority competent to make appointment to any teaching staff in the Karnataka Education Department Service (Collegiate Education Department);
- (d) "**Competent Authority**" means the Commissioner of Collegiate and Technical Education who is competent to transfer under these Rules;
- (e) "**Counselling**" means process of computerized counselling by giving opportunity to a person considered for appointment or transfer to opt for a place or post available as per these Rules;
- (f) "**Government**" means the Government of Karnataka;
- (g) "**Government First Grade College**" means all First Grade Colleges belonging to the State Government that include Government First Grade Colleges, Government Women's Colleges, Model Residential First Grade Colleges, Government Law Colleges and all other Government Colleges which come under the purview of the Department of Collegiate Education and offering Undergraduate and Postgraduate Courses;
- (h) "**Lien**" has the same meaning as defined in Karnataka Civil Services Rules, 1958;
- (i) "**Person with benchmark Disability**" means person with benchmark disability as defined in Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) and Rules issued there under;
- (j) "**Proforma**" means the form specified by the Competent Authority;
- (k) "**Regular Posting**" means place of posting of teaching staff where the lien of the teaching staff lies;
- (l) "**Schedule**" means Schedule appended to these Rules;
- (m) "**Serious ailments**" means,
- (i) List of diseases as notified by the Government in case of an employee;
 - (ii) List of diseases as notified by the Government in case of an employee's spouse and children.

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- (n) **“Spouse case”** means a spouse of the teaching staff who is an employee of State or Central Government or nationalized banks or Government owned public sector undertaking or enterprise or corporation or board or Aided Employee of Government Aided Private Educational Institutions or State University;
- (o) **“Sufficient Workload”** means the workload specified as sufficient by the Competent Authority;
- (p) **“Teaching Staff”** means those employees enumerated in Schedule appended to these Rules;
- (q) **“Transfer”** means posting of a teaching staff from one Government First Grade College where he/she is having regular posting to another Government First Grade College of Department of Collegiate Education through counselling;
- (r) **“Workload”** means the subject wise workload on the basis of student strength of previous academic year.
- (s) **“Zone”** means the specific areas classified as Zone for the purpose of appointment or transfer of teaching staff and includes-
- a. **“Zone-A”** means area within the limits of Bruhat Bengaluru Mahanagara Palike;
 - b. **“Zone-B”** means all areas within the limits of the Bengaluru Development Authority and areas falling within the limits of City Corporations constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977), excluding the areas falling under Zone-A.
 - c. **“Zone-C”** means all District Head Quarters and all City Municipal Councils constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977), excluding the area falling under Zone-A and Zone-B;
 - d. **“Zone-D”** means all Taluk Head Quarters and all Town Municipal Councils constituted under The Karnataka Municipal Corporations Act 1976 (Karnataka Act 14 of 1977), excluding those areas falling under Zone-A, Zone-B and Zone-C.
 - e. **“Zone-E”** means all other areas excluding those falling under Zone-A, Zone-B, Zone-C and Zone-D.

(2) words and expressions used, but not defined in these rules shall have the same meaning assigned to them in the Karnataka State Civil Service (General Recruitment) Rules, 1977.

- 3. Shifting of Posts.** - (1) If sufficient workload is not available for teaching staff in any Government First Grade College in any subject, such number of posts as determined as surplus may be shifted to any other College within the same zone where the workload is sufficient for shifting of post by the competent authority:

Provided that, if a Government First Grade College with sufficient workload in that subject is not available in the same zone, such number of posts in that subject shall be shifted to any Government First Grade College having sufficient workload in any other, as far as possible in neighbouring or nearby Zone by the Competent Authority.

Provided further that, if a staff is shifted along with the post, the place and Zone of earlier regular posting before shifting shall be considered for determining minimum length of service for transfer under Rule 4 and for preparing priority list under Rule 5.

(2) The process of shifting posts as per sub rule(1), shall be completed prior to undertaking transfer process as per Rule 4, 5, 6 and 7 and within the transfer period as prescribed in Rule 8.

- 4. Transfer of teaching staff by counselling in the interest of public service or on request:** -

(1). The teaching staff completing minimum length of service at the place of regular posting shall be compulsorily transferred in the interest of public service through a process of counselling subject to restrictions imposed in sub rule (3). The minimum length of service to be completed at the place of present regular posting for the purpose of transfer shall be four years.

(2). The teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub rule (3) may request for transfer through counselling after completion of minimum length of service at the place of present regular posting as stipulated in sub-rule (1), subject to restrictions imposed in sub-rule (3). For this purpose, the teaching staff shall apply from only one of the categories 2, 3, 4 or 5 as specified in sub rule (3) but not more than one.

(3). Restriction on transfer – The total number of transfers through counselling shall not exceed fifteen percent of the sanctioned strength of the teaching staff. Out of fifteen percent of the total number of transfers, nine percent shall be earmarked for compulsory transfers in the interest of public service through counselling and remaining six percent shall be earmarked for transfers on request, as specified in table below, on completion of minimum length of service as prescribed in sub-rule (1):

TABLE

Sl. No.	Category	Percentage of transfers
1.	Compulsory transfers in the interest of public service	9 %
2.	Spouse cases	3 %
3.	Cases of Widow or Single parent with children below 12 years or Women divorcee who has not re-married or teaching staff having physically dependent spouse and children who has suffered bench mark disability while serving in Indian Armed forces or Paramilitary forces.	1 %
4.	Cases of person with benchmark disabilities	1 %
5.	Serious ailment cases	1 %
Total		15 %

(4). Exceptions to transfers. - (a) The minimum length of service as prescribed in sub-rule (1) shall be reduced by one year for the teaching staff belonging to categories 2,3,4 and 5, if the concerned teaching staff so desires and shall be availed only once in the total span of service:

Provided that, where a teaching staff has a spouse or children suffering from serious ailment, for which medical treatment is not available at the place of work of teaching staff and the transfer of teaching staff is necessary to a place where such treatment is available, subject to provisions in these Rules:

Provided further that, no transfer shall be considered under this clause unless the concerned teaching staff produces a Certificate from the District Medical Board Specifying the nature of ailment, stating the fact that the required treatment is not available at his place of work and also specifying the place where the required treatment is available and certifying that his transfer is necessary to such a place to provide him the required medical treatment.

- (b). A teaching staff who have completed minimum length of service as prescribed in sub-rule (1), shall be subject to following exemptions from transfer and shall be availed only once in the total span of service, in the following cases namely: -
- (i) A teaching staff who has less than two years of service for superannuation shall not be transferred, if the teaching staff so desires.

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- (ii) A teaching staff who is undertaking a project sanctioned by the UGC, CSIR, DST and any other Government body or any statutory agency for a specific period shall not be transferred for a period of two years or till the completion of project, from the date of completion of minimum length of service as prescribed in sub-rule (1). In order to claim said exemption, the concerned teaching staff shall provide details of major project undertaken in proforma specified by the Competent Authority.
- (iii) A teaching staff, who is a research guide and has students undertaking Ph.D. or M.Phil. research work under him, in a Government First Grade College with research centres shall not be transferred for two years from the date of completion of minimum length of service as prescribed in sub-rule (1) or till the completion of Ph.D. or M.Phil. whichever is earlier.
- (iv) A teaching staff who is serving as a NCC Officer in Government First Grade Colleges shall not be transferred for two years from the date of completion of minimum length of service as prescribed in sub-rule (1).
- (v) A teaching staff who is central office bearer of Karnataka Government College Teachers Association and has completed minimum length of service as prescribed in sub-rule (1) shall not be transferred till the completion of the term of the concerned office bearer.
- (5). The transfer by counselling shall be done in the following order:
- (a) The teaching staff working in Zone-B, as per the priority list prepared under rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except the present place of posting.
- (b) The teaching staff working in Zone-C, as per the priority list prepared under rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any Zone except the present place of posting.
- (c) The teaching staff working in Zone-D, as per the priority list prepared under rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except the present place of posting.

(d) The teaching staff working in Zone-E, as per the priority list prepared under rule 5 in the descending order of seniority, shall be allowed to select any College displayed in any Zone except the present place of posting.

(e) The teaching staff working in Zone-A, as per the priority list prepared under rule 5 in the descending order of seniority, shall be allowed to select any college displayed in any zone except the present place of posting.

5. Preparation of priority lists – (a) The priority lists of the teaching staff who have completed minimum length of service as prescribed in sub-rule (1) of Rule 4, and a separate list of Teaching staff who have requested for transfer under sub-rule (2) of Rule 4 and of those teaching staff desiring to avail relaxation (reduction) of minimum service under clause (a) of sub-rule (4) of Rule 4 at the place of present regular posting shall be prepared after calling application by the Competent Authority Zone wise and category wise as given in the schedule, based on the total number of years of actual working in the entire service in the Zone of present regular posting.

(b) Within each zone, priority lists shall be prepared individually for each category given in sub-rule (3) of Rule 4 and transfer from each Zone shall be done in the following order of priority.

(i) Cases of persons with benchmark disabilities;

(ii) Serious ailment cases;

(iii) Cases of Widow or Single parent with children below 12 years or Women divorcee who has not re-married or teaching staff having physically dependent spouse and children who has suffered benchmark disability while serving in Indian Armed forces or Paramilitary forces.

(iv) spouse cases;

(v) Compulsory transfers in the interest of public service;

(c) If the number of years served is equal, the seniority based on the last operated gradation list shall be considered and the senior shall have precedence in the counselling

(d) The Competent Authority shall prepare provisional priority list as per procedure enumerated above and notify the same for submission of objections if any within time notified by competent authority on Department of Collegiate Education

website. On receipt of objections from teaching staff, they may be considered or rejected on the basis of its validity and the final priority list shall be published.

6. Procedure for conducting counselling– (1) Before initiation of counselling procedure, the subject-wise posts sanctioned, subject-wise workload, working strength and vacant posts and other details shall be submitted by all Principals in the proforma specified by the Competent Authority or through online information system.

(2) The posts of teaching staff to be filled by counselling by compulsory transfer in the interest of public service shall be notified by Competent Authority based on the availability of vacancies and sufficient workload and academic requirement and clause (d) of Rule 5.

(3) Application for transfer on request by the teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub-rule (3) of Rule 4 shall be submitted within the date and in proforma specified by the Competent Authority.

(4) The applications received within the last date shall be scrutinised and if the information furnished in transfer application is found to be incorrect, it shall be treated as misconduct and suitable disciplinary action shall be taken against the applicant as per Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

(5) The teaching staff or applicant on receipt of the instructions from the Competent Authority shall appear for counselling and select any of the posts displayed within the allotted time under sub-rule (5) of Rule 4. In the event of the teaching staff or applicant, who is scheduled to appear for counselling on request, does not appear for counselling or appears and fails to select a place within the stipulated time, he shall be deemed to be continued in the existing working place, unless otherwise, he is transferred compulsorily in the interest of public service by counselling.

Provided that, if, in the event of the teaching staff, who is scheduled to appear for counselling for compulsory transfer in the interest of public service, does not appear for counselling or appears and fails to select a place within the stipulated time, then the Competent Authority is empowered to transfer and post the said staff against the displayed vacancy at the end of the counselling for compulsory transfer in public interest.

Provided further that, If, the teaching staff does not report to duty at the place of posting by transfer, it shall be treated as mis-conduct, and said staff shall be liable for suitable disciplinary action under Karnataka Civil Services (Control, Classification and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules 1966.

(6) The posts of teaching staff displayed as notified in sub Rule (2) of Rule 6 to be filled by counselling shall include the vacancies that will be created by compulsory transfer of teaching staff who have completed minimum length of service as specified in sub-rule (1) of Rule 4 and within limits prescribed in sub-rule (3) of Rule 4 by counselling. Against these notified and displayed posts, teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4 shall be allowed to select displayed posts by counselling. If the said teaching staff opts to continue in the existing working place he shall be continued unless otherwise, he is compulsorily transferred in the interest of public service by counselling. Further, on selection of displayed post by a teaching staff in a Government First Grade College by counselling the said post shall be removed from list of displayed posts for further counselling.

(7) After first round of counselling for the teaching staff belonging to categories 2, 3, 4 and 5 as specified in sub rule (3) of Rule 4, the posts of teaching staff to be filled by further counselling shall be notified and displayed by the Competent Authority taking into consideration the vacancies created in first round of counselling and based on availability of sufficient workload and academic requirement. The second round of counselling shall then be conducted for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4.

(8) After completion of second round of counselling for the teaching staff belonging to categories (2), (3), (4) and (5) as specified in sub rule (3) of Rule 4, the posts of teaching staff to be filled by further counselling shall be notified and displayed by the Competent Authority based on the vacancies created in the first two rounds of counselling and based on the availability of sufficient workload and academic requirement. Thereafter, the counselling for teaching staff to be compulsorily transferred in the interest of public service shall be held. Further, on selection of displayed post by a teaching staff in a Government First Grade College by counselling, the said post shall be removed from list of displayed posts for further counselling.

7. Issue of Orders.— The Competent Authority shall issue transfer orders made on request and in the interest of public service to the teaching staff against the post selected or allotted by the Competent Authority in counselling. The copies of transfer order shall be uploaded in the Department of Collegiate Education website also.

8. Transfer period.— All transfers whether made in interest of public service or on request may be done between the months of May and July in a calendar year or as notified by the Government.

Provided that the above transfer period shall not apply to cases coming under rules 9, 10, and 12.

9. Procedure for initial appointment by counselling.—(1) The teaching staff on initial appointment shall be allowed to select any displayed post in Zone-E based on seniority in the selection list. However, in case of persons with benchmark disabilities, they shall be given preference in counselling based on inter-se seniority among persons with benchmark disabilities.

Provided that above condition shall not be applicable to the cadre where there is no sanctioned post in Zone-E and in such cases initial posting shall be given to Zone-D. If there is no sanctioned post in Zone-D, then in such cases initial posting shall be given to Zone-C. If there is no sanctioned post in Zone-C, then in such cases initial posting shall be given to Zone-B. If there is no sanctioned post in Zone-B, then in such cases initial posting shall be given to Zone-A.

(2) If no vacancy is available for initial appointment in Zone-E, required number of vacancies may be created by transferring teaching staff as per rules 4,5,6 and 7, subject to following provisions and in that order;

(a) In order to create required number of vacancies in Zone-E, teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-E shall be allowed to select any displayed post in Zone-D.

(b) if no vacancies are available in Zone-D to accommodate teaching staff transferred from Zone-E, then teaching staff who have completed minimum

length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-D shall be allowed to select any displayed post in Zone-C.

(c) If no vacancies are available in Zone-C to accommodate teaching staff transferred from Zone-D, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-C shall be allowed to select any displayed post in Zone-B.

(d) If no vacancies are available in Zone-B to accommodate teaching staff transferred from Zone-C, then teaching staff who have completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-B shall be allowed to select any displayed post in Zone-A.

10. Regulation of transfers in disciplinary cases –(1) Any teaching staff, who is working in Zone-A or Zone-B or Zone-C or Zone-D, against whom disciplinary action is initiated as per the Karnataka Civil Services (Classification Control and Appeal) Rules, 1957 and Karnataka Civil Services (Conduct) Rules, 1966 and is undergoing any penalty imposed under said Rules or who is facing any criminal charges in court of law may be transferred to Zone-E.

(2) If no vacancy is in Zone-E, a vacancy may be created by transfer of a teaching staff who has completed minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 and if no such eligible teaching staff is available, then teaching staff who have completed maximum number of years below the minimum length of service for transfer as prescribed in sub-rule (1) of Rule 4 in Zone-E may be considered for transfer. The process of transfer shall be done as per rules 5, 6 and 7;

Provided that, the teaching staff who shall be transferred from Zone-E shall be allowed to select any displayed post in Zone-D.

Provided further that if, such teaching staff is working in Zone-E, he may be transferred from the place where he is working to another place in the same zone, but he shall not be transferred outside Zone-E till the completion of such disciplinary proceedings, criminal proceeding or penalty as the case may be.

11. Powers of Competent Authority. -Notwithstanding anything contained in these rules, any teaching staff may be transferred to any place in Zone-D or Zone-E by the Competent Authority: -

- (i) On the basis of prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline; or
- (ii) On the basis of complaints and prima facie findings of misconduct or misbehaviour or financial irregularities or any other act of indiscipline.

12. Article 371 J.- All guidelines issued by Government of Karnataka with respect to implementation of Article 371 J shall be followed.

SCHEDULE

(See clause (1) of sub-rule (1) of Rule 2)

SL. NO.	DESIGNATIONS OF THE TEACHING STAFF OF THE DEPARTMENT OF COLLEGIATE EDUCATION.
1	<p>Category-1 -Category -1 includes all the following designations</p> <ul style="list-style-type: none"> (i) Professors (ii) Associate Professors (iii) Assistant Professors (Selection Grade) (iv) Assistant Professor (Senior Scale) (v) Assistant Professor
2	<p>Category-2 Category -2 includes all the following designations</p> <ul style="list-style-type: none"> (i) College Librarians (Selection Grade) drawing AGP of Rs. 8000/- and 9000/- (ii) College Librarians (Senior Scale) (iii) College Librarians

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3	Category-3 Category -3 includes all the following designations (i) College Director of Physical Education and Sports (Selection Grade) drawing AGP of Rs. 8000/- and 9000/- (ii) College Director of Physical Education and Sports (Senior Scale) (iii) College Director of Physical Education and Sports
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By order and in the Name of the
Governor of Karnataka

(S. HARSHA)

Under Secretary to Government,
Higher Education Department,
(Collegiate Education)