

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare – Education – Appointment of Teachers – Reservation of all vacancies in the Educational Institutions within the Scheduled Areas in favour of Local Scheduled Tribes Notification under paragraph 5(1) of the Fifth Schedule to the Constitution of India – Issued.

SOCIAL WELFARE (TW.EDN. II) DEPARTMENT

G.O.Ms. No. 3

Dated 10-01-2000.

Read the following

G.O.Ms. No. 275, Social Welfare (E) Department
dated 5-11-1985.

ORDER:-

Whereas, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Andhra Pradesh may be public notification direct that any particular Act of Parliament or of Legislature of the State shall not apply to the Scheduled Areas or any part thereof in the State or shall apply to a schedule area or any part thereof subject to specified exceptions and modifications:

2. AND WHEREAS IN G.O.Ms. No. 275, Social Welfare Department dated 5-11-1986, a notification has been issued exercising the powers conferred under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India directing that the posts of teachers in the Educational Institutions in the Scheduled Areas of State shall be filled in only by the local members of the Scheduled Tribes:
3. AND WHEREAS, the Andhra Pradesh Administrative Tribunal in its order dated 25-8-1989 in R.P. Nos 6377 and 6379 of 1988 quashed the orders issued in G.O.Ms.No.275, Social Welfare Department dated 5-11-1986 on the ground that the notification issued under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India does not reflect the existence of either a State or a Central Legislation referable for issuing such notification:
4. AND WHEREAS, the Division Bench of the High Court of Andhra Pradesh in its Judgment dated 20-08-1997 in Writ Appeal No. 874 of 1997 filed by the Project Officer, I.T.D.A., Rampachodavarm, East Godavari District, directed to continue the petitioners respondents in their respective posts of teachers without any break as temporary employees until replaced by the qualified local tribals as and when such tribals are available to fill up those posts:
5. AND WHEREAS, the Andhra Pradesh Administrative Tribunal subsequently while disposing of O.A.No. 4598/97 in its order dt: 22-9-1997 directed the respondents to follow the statutory rules while making recruitment to the posts of Secondary Grade Teachers and also Telugu Pandits, Grade-I in Agency Areas without taking into consideration of the orders issued in G.O.Ms. No. 275, Social Welfare Department, dated 5-11-1986.
6. AND WHEREAS, the Supreme Court of India while allowing Civil Appeal No 6437/98 in its order dated 18th December, 1998, set aside the orders of the Andhra Pradesh Administrative Tribunal on the ground that the State withdraw the appeals arising out of the S.L.P. Nos. 14562-63 of 1989:

7. AND WHEREAS, the Government considers that rule 4 (b) of the Andhra Pradesh School Educational Subordinate Service Rules, 1992 and rule 22A of the Andhra Pradesh State and Subordinate Service Rules, 1996 shall be modified to the extent that only Scheduled Tribe Women shall be appointed in Scheduled Areas against the 33 1/3% reservation in respect of direct recruitment:
8. AND WHEREAS, the consultation of the Tribes Advisory Council has been made as required under sub-paragraph (5) of paragraph 5 of the Fifth Schedule to the Constitution of India.
9. AND WHEREAS, the Government of Andhra Pradesh in order to strengthen the educational infrastructure in the Scheduled Areas, to promote educational development of Tribals, to solve the phenomenal absenteeism of Teachers in the Schools situated in Scheduled Areas, and with a view to protect the interests of local tribals have decided to reserve the posts of teachers in favour of local Scheduled Tribe Candidates:
10. AND WHEREAS, the Government considered to re-issue the said orders retrospectively from 5-11-1986 keeping in view the provisions of sub-paragraph (1) of paragraph 5 of Fifth Schedule to the Constitution:
11. The following notification will be published in part -IV-B Extraordinary issue of the Andhra Pradesh Gazette, dated 10-1-2000,

NOTIFICATION

In exercise of the powers conferred by sub paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India and in Supersession of the notification issued in G.O.Ms.No. 275, Social Welfare Department, dated the 5th November, 1986 as subsequently amended in G.O.Ms. No. 73, Social Welfare Department, Dated the 25th April, 1988, the Governor of Andhra Pradesh hereby directs that sections 78 and 79 of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982) and sections 169, 195 and 268 of the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994) and rule 4 (a) of the Andhra Pradesh School Educational Subordinate Service Rules issued in G.O.Ms. No. 538 Education (Ser.II) Department, dated the 20th November, 1998 and rule 22 and 22A of the Andhra Pradesh State and Subordinate Service Rules 1996 and any other rules made in this regard shall apply to the appointment of posts of teachers in schools situated in the Scheduled Areas in the State subject to the modification that all the posts of teachers in the Schools situated in Scheduled Areas in the State of Andhra Pradesh shall be filled in by the local Scheduled Tribe candidates only out of whom 33 1/3% shall be women:

EXPLANATION :- For the purpose of this notification, the Local Scheduled Tribe Candidates means, the candidate belonging to the Scheduled Tribes notified as such under article 342 of the Constitution of India and the candidates themselves or their parents have been continuously residing in the Scheduled area of the Districts in which they are residents till to date since the 26th January 1950.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT OF ANDHRA PRADESH)

C.R.Biswal
Secretary to Government

To
The Director of Tribal Welfare, A.P.Hyderabad.
All District Collectors in the State.
All Project Officers, ITDAs in the State.
All District Tribal Welfare Officers in the State.
The Commissioner of School Education, Hyderabad.
All District Educational Officers in the State.
The Member Secretary, Gurukulam, T.S.Bhavan, Masab Tank, Hyderabad.

The Govt. Pleader for Social Welfare, A.P Administrative Tribunal, Hyderabad
(Sri P.Naveen Rao)
The Govt Pleader for Social Welfare, A.P.High Court, Hyderabad
(Sri Jayaprakash Babu)
The Secretary, Law Department, A.P Secretariat, Hyderabad.
The Secretary to Govt, General Admn (Ser) Dept. A.P.Secretarit Hyd.
The Secretary to Govt. Education Department, A.P.Hyderabad.
The Prl. Secretary to Governor, Raj Bhavan, Hyderabad (with covering letter).
The Additional Secretary to Hon'ble Chief Minister.
The Secretary, AP Public Service Commission, A.P.Hyd.(10 copies with
covering letter)
The P.S. to Minister (Tribal Welfare)
The PS to Secretary to Govt. (Social Welfare)
The P.S to Secretary to Govt.(Tribal Welfare)
The Commissioner of Printing, Stationery & Stores purchase, Hyderabad (with a
request to publish the notification in an extra ordinary issue of .A.P Gazette,
dt.10-1-2000.
SF/SCs

// Forwarded: : By Order//

Sd/-
Section Officer