

F. No. 1-15/2010 EE 4
Government of India
Ministry of Human Resource Development
Department of School Education and Literacy

Room No. 429-A, C Wing, Shastri Bhawan
New Delhi, 8th November, 2010

Subject : Guidelines under section 35(1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for implementation of the provisions of section 23(2) – reg.

The National Council for Teacher Education (NCTE) has, in exercise of powers conferred by section 23(1) of the RTE Act, laid down the minimum qualifications for a person to be eligible for appointment as a teacher in schools, vide its Notification dated 23rd August, 2010 (published in the Gazette of India on 25th August, 2010). This Notification has already been circulated to the State Governments and other authorities. The Notification can also be downloaded from the website www.education.nic.in. Accordingly, all appointments of teachers in classes I to VIII in respect of all schools referred to in clause (n) of section 2 of the RTE Act have to be made in accordance with the said Notification.

2 Sub-section (2) of section 23 of the RTE Act provides that where a State does not have adequate teacher education institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) of section 23 are not available in sufficient numbers, the Central Government may, by Notification, relax the minimum qualifications required for appointment as a teacher for such period, not exceeding five years, as may be specified in the Notification. Attention in this regard is also invited to Rules 17, 18 and 19 of the Right of Children to Free and Compulsory Education Rules, 2010 issued by the Central Government vide Notification published in the Gazette of India on 9th April, 2010.

3 In order to enable the Central Government to provide relaxation under sub-section (2) of section 23 to a State, it is considered necessary to obtain relevant information from the State Government relating to demand of teachers and availability/supply of qualified persons who are eligible for appointment as a teacher. Accordingly, a State Government, which intends to seek relaxation under the said sub-section would be required to make a request to the Central Government by providing the following information :

- (a) Quantitative information as per the format prescribed in the Annexure to this Guideline.
- (b) Nature of relaxation sought, separately for classes I to V and VI to VIII, along with justification;

- (c) The time period for which relaxation is sought;
- (d) The manner in which and the time period within which the State Government would enable teachers, appointed with relaxed qualification, to acquire the prescribed qualification;
- (e) The manner in which and the time period within which the State Government would enable existing teachers, not possessing the prescribed qualification, to acquire the prescribed qualification. Reference in this regard is invited to para 4 of the aforementioned Notification of the NCTE.;
- (f) Any other information the State Government may like to furnish in support of its request for seeking relaxation under section 23(2).

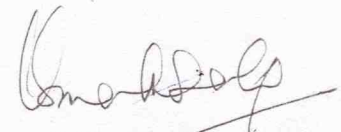
4 The condition of passing TET will not be relaxed by the Central Government.

5 The Central Government will examine the request of the State Government and based on the proposal submitted by the State Government and additional information which the Central Government may request the State Government to furnish, take a decision to issue Notification under section 23 (2) of the Act. Only after the Notification is issued would the State Government or a local authority or any aided/unaided school in the State appoint teachers with the relaxed qualification in accordance with the terms and conditions mentioned in the said Notification.

5 In respect of schools established and controlled by the Central Government, such as KVS, NVS, teachers with relaxed qualification may be considered for appointment for such schools situated in the States in respect of which relaxation u/s 23(2) has been notified.

6 The aforementioned guideline should be brought to the knowledge of all concerned for necessary compliance.

This issues with the approval of the competent authority.



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Format for seeking relaxation u/s 23(2) of the RTE Act

(I) Teacher Demand					
A	Teacher Demand for classes I to V (figures as on 30.09.2010)	Government/local body schools	Aided schools	Unaided schools	Total
(i)	Sanctioned strength				
(ii)	Actual Strength				
(iii)	Vacancy [A(i) - A(ii)]				
(iv)	Additional teacher requirement due to PTR norms under RTE Act				
(v)	Total teacher requirement for classes I to V [A (iii) + A(v)]				
B	Teacher Demand for classes VI to VIII (figures as on 30.09.2010)	Government/local body schools	Aided schools	Unaided schools	Total
(i)	Sanctioned strength				
(ii)	Actual Strength				
(iii)	Vacancy [B(i) – B(ii)]				
(iv)	Additional teacher requirement due to PTR norms under RTE Act				
(v)	Total teacher requirement for classes VI to VIII [B(iiii) + B(v)]				

