GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Reservation of all vacancies in the Educational Institutions in favour of Local Scheduled Tribes.

Notification under paragraph 6(1) of the Fifth Schedule to the Constitution of India issued.

SOCIAL WELFARE (TW-EDN.11) DEPARTMENT

G.O.R.I. No.3

Dated 10-01-2006

G.O.R.I. No.275, Social Welfare (E) Department

dated 5-11-1986.

WHEREAS, under sub-paragraph (1) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Andhra Pradesh may by public notification direct that any part of the State shall not apply to the Scheduled Areas or any part thereof subject to specified exceptions and modifications;

AND WHEREAS, in G.O.R.I. No.275, Social Welfare Department dated 5-11-1986, a notification has been issued under sub-paragraph (1) of the Fifth Schedule to the Constitution of India directing that the posts of teachers in the Scheduled Areas shall be filled in only by the local members of the Scheduled Tribes;

AND WHEREAS, the Andhra Pradesh Administrative Tribunal in its order dated 25-8-1986 in R.P. No. 6377 and the Notification issued in G.O.R.I. No.275, dated 5-11-1986, on the ground that the Fifth Schedule to the Constitution of India does not reflect the existence of a State or a Central Legislation referable for issuing such notification;

AND WHEREAS, the Division Bench of the High Court of Andhra Pradesh in its judgment dated 20-8-1997 in W.P. No. 7752 of 1997, filed by the Project Officer, T.T.O.A., Kavur, directed to continue the petitioners and respondents in their respective posts of teachers without any break as temporary employees until replaced by the qualified local tribals and when such tribals are available to fill up such posts;

AND WHEREAS, the Andhra Pradesh Administrative Tribunal subsequently while disposing of O.A. No.1596/97 in its order dt:22.9.1997 directed the respondents to follow the statutory rules while making recruitment to the posts of the statutory rules while following the orders of the Second Order in Secondary Graduates Teachers and also Telugu Paddis, Grade-I in Secondary Graduates Areas without taking into consideration of the orders issued in G.O.R.I. No.275, Social Welfare Department, dated 5-11-1986.
6. AND WHEREAS, the Supreme Court of India, in its order dated 31st December, 1998, set aside the order of the Andhra Pradesh Administrative Tribunal on the ground that the State of 1989:

7. AND WHEREAS, the Government considers that rule 41 of the Andhra Pradesh School Education (Subordinate and Subordinate Service Rules, 1986) shall be modified to the effect that only Scheduled Tribe Women shall be appointed 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 the Constitution of India.

9. AND WHEREAS, the Government of Andhra Pradesh has Scheduled Areas, to promote educational development in the Tribal areas, to solve the problem of abysmally low Teacher absenteeism, to protect the interests of local tribal youth who have decided to become Tribe candidates:

10. AND WHEREAS, the Government considered the re-issue of the order retrospectively from 1-1-1986 in view of the provisions of sub paragraph 5 of Fifth Schedule to the Constitution.


NOTIFICATION

In exercise of the powers conferred by sub-paragraph 5 of the Fifth Schedule to the Constitution of India and in supersession of the notification issued in O.O.Ms.No.746, Social Welfare Department, dated the 5th November, 1986, and a subsequent amendment in O.O.Ms.No.73, Social Welfare Department, dated the 5th April, 1988, the Government of Andhra Pradesh hereby directs that sections 73 and 75 of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982) and sections 169, 170 and 268 of the Andhra Pradesh Panchayat Raj Act, 1999 (Act 15 of 1999) and rules 21(1) of the Andhra Pradesh School Education (Ser.11) Rules, 1986, duly notified and 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 30% shall be women.

EXPLANATION: For the purpose of this notification, the 'Local Scheduled Tribe Candidate' means a candidate belonging to the Scheduled Tribe 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 areas of the district in which they are residents till to date since the 26th January, 1950.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDRA PRADESH]

C.R. KISHAN
SECRETARY TO GOVERNMENT

To
The Director of Tribal Welfare, A.P., Hyderabad;
All District Collectors in the State;
All Project Officers, T.B.A.I. 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, Habib Tank, Hyderabad;
The Govt. Pleader for Social Welfare, A.P. Administration, Tribunal, Hyderabad (Sri P. Narasim 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 Administration Department, A.P. Secretariat, Hyderabad;
The Secretary to Govt. Education Department, A.P. Secretariat, Hyderabad;
The Mstr. Secretary to Governor, Raj Bhavan, Hyderabad (with covering letter);
The Additional Secretary to Hon'ble Chief Minister;
The Secretary, A.P. Public Service Commission, A.P. Hyderabad (10 copies with covering letter);
The P.S. to Minister (Tribal Welfare);
The P.S. to Secretary to Govt. (Social Welfare);
The P.S. to Secretary to Govt. (Tribal Welfare);
The Commissioner of Printing, Stationery & Stores Department, Hyderabad (with a request to publish the notification in an extra ordinary issue of A.P. Gazette, date 18-1-2000).

//Forwarded: By Order//

[Signature]

Section-UTTID