



**The Arunachal Pradesh Transfer and Posting of Employees of Education  
Department (Regulation and Management) Act, 2026**

Act No. 11 of 2026

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GOVERNMENT OF ARUNACHAL PRADESH  
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT  
CIVIL SECRETARIAT  
ITANAGAR

## NOTIFICATION

The 7th May, 2026

No. LAW/LEGN-9/2026.—The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Sixth Session of the Eighth Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 5th May, 2026)

### THE ARUNACHAL PRADESH TRANSFER AND POSTING OF EMPLOYEES OF EDUCATION DEPARTMENT (REGULATION AND MANAGEMENT) ACT, 2026 (Act No. 11 of 2026)

An

Act

to provide a comprehensive statutory framework for the regulation, management and transparency in the transfer and posting of employees (teaching and non-teaching) and certain other categories of employees under the Education Department in the State of Arunachal Pradesh and for matters connected therewith or incidental thereto.

BE it enacted by the Arunachal Pradesh Legislative Assembly in the Seventy-Seventh Year of the Republic of India as follows:-

## CHAPTER - I

### PRELIMINARY

#### 1. Short title, extent and commencement :

- (1) This Act may be called the Arunachal Pradesh Transfer and Posting of Employees of Education Department (Regulation and Management) Act, 2026.
- (2) It shall extend to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on the date of its publication in the Official Gazette.

#### 2. Definitions :

In this Act, unless the context otherwise requires,-

- (a) "Act" means the Arunachal Pradesh Transfer and Posting of Employees of Education Department (Regulation and Management) Act, 2026.
- (b) "Administrative Exigency" means necessity arising in public interest requiring immediate administrative action;
- (c) "Appointing Authority" means the authority competent to make appointments to the post of Teacher or Head of Institution (HoI), and all categories of non-teaching staffs as notified by the Government under the relevant service rules;
- (d) "Appointment" means appointment made by direct recruitment, promotion, transfer, absorption or deputation, in accordance with the service rules applicable under the Education Department of the State;
- (e) "Competent Authority" means an authority notified by the Government under this Act;

- (f) "Dependent Family Member" means spouse of the employee only.
- (g) "District" means the territorial limits of a district as notified by the Government and administered by the District Administration;
- (h) "Employee" means a regular employee (teaching and non-teaching) of the Education Department appointed against a sanctioned post;
- (i) "Government" means the Government of Arunachal Pradesh;
- (j) "Head of Institution (HoI)" means a Principal, Headmaster, In-charge Headmaster or any other officer designated as the academic and administrative head of a Government school;
- (k) "Maximum Period" means the maximum continuous period of service permitted at the same school, namely: -  
 Four (4) years in the case of a Head of Institution (HoI) and all other categories of regular employees of Education department, after which mandatory movement from the school shall be effected in accordance with this Act;
- (l) "Minimum Period" means the minimum continuous period of service of three (3) years of service rendered by a Teacher or Head of Institution(HoI) at a school and all other categories of regular employees of Education department in an office, from the date of joining, for the purpose of eligibility for transfer, unless otherwise provided under this Act.
- (m) "Hard Area" means places of school location requiring foot march of not less than one day or one stage to reach;
- (n) "Middle Area" means places of school location having limited or minimum motorable road connectivity;
- (o) "Soft Area" means places of school location having all-weather motorable road connectivity and availability of basic amenities;
- (p) "Needy School" means a Government school in which a Head of Institution (HoI) or Teachers are required-  
 (i) as per the Pupil-Teacher Ratio prescribed under the Right of Children to Free and Compulsory Education Act, 2009; or  
 (ii) as per staffing norms determined by the Government for the purpose of re-apportionment;
- (q) "Notification" means a notification issued by the Government and published in the Official Gazette;
- (r) "Portal" means the Teachers' Registry Portal or such digital platform as may be notified by the Government;
- (s) "Posting" means placement of an employee in a specific institution;
- (t) "Prescribed" means prescribed by rules made under this Act;
- (u) "Public Interest" means the interest of students, institutions, discipline and effective school administration;
- (v) "Rationalisation" means the process of equitable distribution and optimal utilization of Teachers and Heads of Institution across schools, based on student strength, pupil-teacher ratio norms, subject requirement, institutional need and administrative exigency, in such manner as may be prescribed;
- (w) "Schedule" means the Schedule appended to this Act;
- (x) "School" means all Government schools run by the State Government;
- (y) "Serious Medical Condition" means a life-threatening, chronic, terminal or severe medical condition requiring continuous or specialised treatment, certified by a Government Medical Board or such competent medical authority as may be prescribed;
- (z) "State" means the State of Arunachal Pradesh;
- (za) "Surplus" means excess employees( teaching/non-teaching) identified beyond requirement norms of a school or office;
- (zb) "Teacher" means all regular Teachers appointed against sanctioned posts in elementary and secondary education institutions under the Directorate of Elementary Education or the Directorate of Secondary Education;
- (zc) "Teachers' Registry Portal (TRP)" means the centralised, secure, Government-managed digital platform established for recording and regulating service-related data of teaching and non-teaching staffs by extension;
- (zd) "Tenure" means the minimum prescribed period of service at a station;
- (ze) "Transfer" means posting of a Teacher or employee from one place of working to another under the administrative control of the Education Department.

**CHAPTER - II****APPLICABILITY AND CATEGORIES OF EMPLOYEES****3. Applicability of the Act :**

- (1) This Act shall apply to all regular employees (teaching and non-teaching) appointed against sanctioned posts under the Education Department of the Government of Arunachal Pradesh and borne on the regular establishment.
- (2) This Act shall also apply to any other categories of regular employees under the Education Department as may be notified by the Government from time to time.
- (3) Notwithstanding anything contained elsewhere in this Act, the provisions of this Act shall not apply to persons appointed on contractual, ad-hoc, fixed-tenure, outsourced, or scheme-based basis, unless the Government, for reasons to be recorded in writing and by notification published in the Official Gazette, expressly extends the applicability of this Act to any such category.
- (4) Extension of applicability under sub-section (3) shall be prospective in operation and shall not create any vested or enforceable right.

**4. Categories of employees covered :**

- (1) Without prejudice to the generality of Section 3, the provisions of this Act shall apply to the following categories of regular employees, namely:-
  - (a) Primary Teachers;
  - (b) Trained Graduate Teachers;
  - (c) Post Graduate Teachers;
  - (d) Headmasters and In-charge Head Teachers;
  - (e) Principals and Vice-Principals;
  - (f) Laboratory Assistants;
  - (g) Librarians;
  - (h) Music and Art Teachers;
  - (i) Agriculture and Horticulture Demonstrators;
  - (j) Educational Administrative Cadres;
  - (k) District Adult Education Officers;
  - (l) Block Education Officers;
  - (m) Assistant Project Officers; and
  - (n) All categories of the clerical categories of the Education department.
  - (o) any other category of employees under the Education Department as may be notified by the Government.
- (2) Inclusion of any category under clause (0) shall not, by itself, confer any right to claim parity, transfer, posting, or service benefit, except in accordance with this Act and the applicable service rules.
- (3) Nothing in this section shall be construed as overriding or amending the recruitment rules, service conditions, or disciplinary rules applicable to any category of employee, except to the extent expressly provided in this Act.

**CHAPTER - III****VACANCY MANAGEMENT****5. Determination of vacancies :**

- (1) Vacancies for the purpose of transfer and posting under this Act shall be determined with reference to-
  - (a) sanctioned strength;
  - (b) working strength;
  - (c) institutional requirement; and
  - (d) staffing norms,in such manner as may be prescribed and on the basis of verified establishment and service records maintained by the Department.
- (2) The determination of vacancies shall be carried out by the Competent Authority in accordance with the provisions of this Act and the rules made thereunder.

**6. Classification of vacancies :**

Vacancies shall be classified as follows, namely:-

- (a) Actual Vacancies, arising due to retirement, promotion, resignation, death, creation of new posts, or resulting in a clear vacancy against a sanctioned post and duly reflected in the official establishment records;
- (b) Deemed Vacancies, arising due to completion of prescribed tenure, declaration of surplus staff, deputation, suspension, long leave, or as may be prescribed, necessitating temporary or consequential adjustment of manpower; and
- (c) Voluntary Deemed Vacancies, arising from transfer requests voluntarily made by employees and formally accepted by the Competent Authority in accordance with this Act and subject to administrative feasibility.

**7. Annual declaration of vacancies :**

- (1) Vacancies determined under this Chapter shall be consolidated and published through the Teachers' Registry Portal in such manner and within such time as may be prescribed.
- (2) The vacancy position so published shall form the basis for planning and effecting transfers for the relevant year and shall ordinarily remain operative for that transfer cycle unless revised for recorded administrative exigency.

**8. Finality of vacancy determination :**

- (1) The decision of the Competent Authority in respect of determination and classification of vacancies shall be final for the purposes of this Act.
- (2) Nothing contained in sub-section (1) shall prevent correction of clerical, arithmetical, or factual errors detected subsequently within such time and in such manner as may be prescribed.

**CHAPTER - IV****CATEGORISATION OF SCHOOLS****9. Categorisation of Government schools :**

- (1) All Government schools under the administrative control of the Education Department shall be classified into the following categories:-
  - (a) Hard Area Schools;
  - (b) Middle Area Schools; and
  - (c) Soft Area Schools.
- (2) The classification under sub-section (1) shall be made in accordance with the provisions of this Chapter and the rules made thereunder as may be prescribed.

**10. Criteria and review :**

- (1) The criteria, parameters, and procedure for categorisation of schools, shall be such as may be prescribed.
- (2) The categorisation of schools shall be subject to periodic review in such manner as may be prescribed.

**11. Binding effect of categorisation :**

The categorisation of schools notified under this Chapter shall be binding for all purposes of transfer, posting, tenure, deployment, incentives and other service matters governed under this Act.

**CHAPTER - V****MANDATORY SERVICE NORMS****12. Mandatory service obligation :**

- (1) Every teacher/employee appointed under this Act shall be subject to mandatory service obligations in Hard Area, Middle Area, or Soft Area schools, in accordance with the provisions of this Chapter.
- (2) Initial Hard Area Posting for New Recruits  
Every newly recruited teacher/employee shall, be posted to a Hard Area school and shall mandatorily serve a continuous period of not less than three (3) years in such Hard Area school unless exempted under Section 14.
- (3) Aggregate Hard Area Service Requirement

Every teacher/employee shall complete an aggregate period of not less than ten (10) years of service in Hard Area schools during the entire span of his or her service.

(4) **Balance Service Period**

After completion of the mandatory Hard Area service under sub-sections (2) and (3), the remaining service period, shall be regulated in Hard, Middle, or Soft Area schools, subject to availability of sanctioned vacancies, institutional requirement, and administrative exigency and shall not be claimed as a matter of right.

- (5) No teacher/employee shall claim posting in school, area, or district as a matter of right after completion of mandatory service.

**13. Action for non-compliance :**

- (1) Failure or refusal to comply with mandatory service obligations under this Chapter shall constitute a violation of statutory service conditions.
- (2) Without prejudice to applicable service rules, the Government may initiate one or more of the following actions against a defaulting teacher/employee, namely:-
- (a) withholding salary;
  - (b) withholding or deferment of increments;
  - (c) denial or deferment of promotion or financial upgradation;
  - (d) initiation of disciplinary proceedings under the applicable service rules;
  - (e) Provided that any such action shall be proportionate and in accordance with the applicable service rules.
- (3) No proposal relating to promotion, transfer, deputation, or retirement benefits shall be processed unless compliance with mandatory service obligations is certified in the manner prescribed.

**14. Exemption from mandatory service :**

- (1) The Government may, in exceptional circumstances grant limited exemption from mandatory service obligations in public interest or on humanitarian grounds as may be prescribed.
- (2) The grounds, procedure, extent, and conditions of exemption shall be such as may be prescribed.
- (3) Grant of exemption under this section shall not create a precedent or vested right and shall be case-specific.

**CHAPTER - VI****NATURE OF TRANSFERS****15. Administrative Transfers :**

- (1) The Government or the Competent Authority may transfer any teacher/employee in public interest, administrative exigency, or institutional necessity in accordance with the provisions of this Act and the rules made thereunder.
- (2) An administrative transfer shall be an incidence of service and shall not be deemed punitive, unless expressly ordered as a penalty under the applicable disciplinary rules.

**16. Grounds and Effect of Administrative Transfer :**

- (1) An administrative transfer may be effected in order to-
- (a) ensure uninterrupted academic functioning;
  - (b) maintain discipline and administrative control;
  - (c) correct staff surplus or shortage and ensure rational deployment;
  - (d) comply with staffing norms, subject requirements, or institutional needs; or
  - (e) fill vacancies arising from retirement, promotion, deputation, suspension.
- (2) An administrative transfer may be ordered notwithstanding-
- (a) minimum tenure requirements; or
  - (b) the annual transfer calendar.
- (3) No prior notice or consent of the teacher shall be required for an administrative transfer without prejudice to the principles of natural justice where punitive consequences are involved.

**17. Finality and Limited Challenge :**

- (1) No teacher/employee shall claim as a right to remain posted at a particular station on grounds of personal inconvenience or hardship.
- (2) An administrative transfer shall be presumed to have been made in good faith and in public interest.

- (3) Interference with an administrative transfer shall be limited to cases of-
- (a) lack of authority;
  - (b) proven malafide; or
  - (c) violation of an express provision of this Act.

**18. Restriction on Posting of Teachers/employees facing charges under the Protection of Children from Sexual Offences Act, 2012 (POCSO) :**

- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, where a Teacher or Head of Institution (HoI) or any other category of employee is facing charges or criminal proceedings under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), or in any case relating to sexual abuse of a child, such Teacher or HoI or employee shall not be posted-
  - (a) to the same school/office or any nearby school/office
  - (b) within the same Block, Circle, Municipality or equivalent local jurisdiction;
  - (c) to any Girls' School or any school predominantly attended by girl students.
- (2) Such Teacher or HoI or employee shall be posted to a school situated at a distant place, as determined by the Competent Authority, in the interest of child safety and public interest.
- (3) A Teacher or HoI or employee covered under sub-section (1) shall not be eligible to seek transfer on request during the pendency of such criminal proceedings.
- (4) Any posting made under this section shall be administrative and interim in nature and shall not be construed as punishment.
- (5) Upon conviction under the Protection of Children from Sexual Offences Act, 2012, the service of such Teacher or HoI or employee shall be governed by the applicable service and disciplinary rules.
- (6) Nothing contained in this section shall limit the power of the Government or the Competent Authority to place such Teacher or HoI or employee under suspension or initiate departmental proceedings in accordance with applicable service rules.

**19. Transfers on Request :**

- (1) Transfer on self-request or mutual request may be considered, subject to-
  - (a) fulfillment of prescribed eligibility conditions;
  - (b) availability of a sanctioned vacancy; and
  - (c) administrative feasibility.
- (2) A self-request transfer may be considered on grounds of-
  - (a) medical condition of the teacher/employee or spouse, duly certified;
  - (b) spouse ground, where both spouses are regular employees of the Education Department of the State; or
  - (c) exceptional humanitarian grounds as may be prescribed.
- (3) Consideration of a request under this section shall not confer any vested or enforceable right.

**20. Time-limit for Joining on Transfer/employee or Posting :**

- (1) Every teacher/employee transferred or posted under this Act shall join the new place of posting within fifteen (15) days from the date of issue of the transfer or posting order.
- (2) The Competent Authority may, for reasons to be recorded in writing, grant extension of time for joining in exceptional circumstances.
- (3) Failure to join within the period specified under sub-section (1), without approved extension under sub-section (2), shall constitute non-compliance and may invite action under the applicable service rules.

**21. No Vested Right :**

No employee shall have any vested or enforceable right to posting or continuation at any particular school, station, or area.

**22. Posting and Transfer of NCC and Scouts and Guides Teachers :**

- (1) Every teacher functioning as a National Cadet Corps (NCC) Officer shall, as far as practicable, be posted to a Government school where an NCC unit is sanctioned and functional, subject to availability of vacancy.

- (2) Where no vacancy is available in a school having an NCC unit, the Competent Authority may permit such teacher to continue in the present school, subject to administrative feasibility.
- (3) Where disciplinary or vigilance proceedings are pending or contemplated against a teacher functioning as an NCC Officer, such teacher may be transferred in public interest or administrative exigency.
- (4) Teachers operating Scouts and Guides units for such minimum period as may be prescribed shall be eligible for consideration in matters of transfer in accordance with the rules made under this Act.
- (5) Nothing contained in this section shall confer any vested or enforceable right to posting or continuation at a particular school.
- (6) Notwithstanding anything contained in this section, the Government or the Competent Authority shall retain the power to transfer any teacher in public interest or administrative exigency.

## CHAPTER - VII

### HUMANITARIAN GROUNDS

#### 23. Special consideration on humanitarian grounds :

- (1) Notwithstanding anything contained in this Act, special consideration in matters of transfer may be accorded by the Competent Authority on the following humanitarian grounds, namely:-

- (a) Medical ground

Serious medical condition of-

- (i) the teacher/employee;
- (ii) the spouse of the teacher/employee;

Provided that-

- (i) the medical condition is certified by a Government Medical Board or such competent medical authority as may be prescribed;
- (ii) the dependency is established in such manner as may be prescribed; and
- (iii) the required specialised treatment facility is demonstrably unavailable at the present place of posting or the continued posting is demonstrably prejudicial to effective treatment.

- (b) Spouse ground

Where both spouses are regular employees of the Education Department of the State.

The spouse ground under this clause shall not be applicable where the spouse is employed outside the Education Department of the State, including under-

- (i) the Central Government;
- (ii) any other Department of the State Government;
- (iii) Public Sector Undertakings;
- (iv) Autonomous Bodies; or
- (v) Aided Institutions.

- (c) Exceptional humanitarian circumstances

Such other extraordinary and compelling humanitarian circumstances as may be prescribed by rules framed under this Act.

- (2) No vested or enforceable right

Consideration of a request under this section-

- (a) shall not be claimed as a matter of right;
- (b) shall remain subject to availability of vacancy, administrative feasibility and public interest; and
- (c) shall not automatically override mandatory service obligations, unless expressly exempted under this Act or the rules made thereunder.

- (3) Safeguard against misuse

Where it is found that any medical certificate, dependency claim, or supporting document submitted under this Chapter is false, misleading, or involves suppression of material facts, the teacher concerned shall be liable to disciplinary action under the applicable service rules, including cancellation of the transfer so granted and recovery of any undue financial or service benefit obtained therefrom.

**24. Verification and finality :**

- (1) All claims made under this Chapter shall be supported by documentary evidence and shall be verified by the Competent Authority in such manner as may be prescribed.
- (2) Claims of dependency shall, inter alia, be supported by-
  - (a) income certificate;
  - (b) dependency declaration;
  - (c) proof of residence; or
  - (d) such other documents as may be prescribed.
- (3) The decision of the Competent Authority under this Chapter shall be final and binding.

**CHAPTER - VIII****TRANSFER CALENDAR****25. Annual transfer cycle :**

- (1) Transfers shall ordinarily be effected once in a year in accordance with the Teacher's Transfer Policy, 2025 read with this Act, and the transfer calendar notified by the Government by notification or order published in such manner as may be prescribed.
- (2) The transfer calendar shall regulate rationalisation of posts, declaration of vacancies, receipt and processing of applications and issuance of transfer orders in accordance with the provisions of this Act and the rules made thereunder.

**26. Deviation from transfer calendar**

Notwithstanding anything contained in this Chapter, the Government or the Competent Authority may effect transfers at any time, for reasons to be recorded in writing in public interest, administrative exigency, promotion, direct recruitment, medical grounds or for filling essential vacancies or to comply with any order of a court or statutory authority.

**CHAPTER - IX****DIGITAL TRANSFER AND POSTING SYSTEM****27. Teachers' Registry Portal :**

The Government shall establish, operate, and maintain the Teacher's Registry Portal as the official digital platform for processing transfer and posting of teachers/employees under this Act in a secure, transparent and auditable manner.

**28. Mandatory processing through Portal :**

- (1) All transfers and postings of teachers/employees shall be effected only through the Teacher's Registry Portal in such manner as may be prescribed.
- (2) Transfer or posting order generated, recorded and authenticated through the Teachers' Registry Portal in accordance with the provisions of this Act and the rules made thereunder shall be valid.
- (3) However, in case of any technical issue with the functioning of Teacher's registry portal the transfer and posting order shall be issued with the approval of competent authority.

**29. Exceptional transfers :**

- (1) Notwithstanding anything contained in section 25, a transfer may be ordered otherwise than through the Portal in public interest or administrative exigency, with the prior approval of the Competent Authority for reasons to be recorded in writing.
- (2) Every transfer ordered under sub-section (1) shall be mandatorily recorded and uploaded in the Teacher's Registry Portal within such time and in such manner as may be prescribed and such recording shall be deemed to validate the transfer for all purposes under this Act.

**30. Legal status of Portal records :**

All records, data, and orders generated, maintained, or authenticated in the Teacher's Registry Portal shall be deemed to be official Government records and shall be admissible as evidence in any judicial or departmental proceeding, subject to the applicable law.

**CHAPTER - X****ELIGIBILITY, OBJECTIVE CRITERIA AND RATIONALISATION****31. Eligibility for transfer :**

- (1) A teacher /employees shall be eligible to apply for transfer only after completion of the minimum prescribed tenure at the present place of posting, in such manner as may be prescribed and subject to compliance with mandatory service obligations under this Act.
- (2) Fulfillment of eligibility conditions shall not confer any vested or enforceable right to transfer.

**32. Objective point-based system :**

- (1) Where two or more eligible teachers /employees compete for the same notified vacancy, allotment shall be made on the basis of an objective point-based system applied in a transparent and non-discriminatory manner.
- (2) The parameters, maximum points, and calculation of weightage under the point-based system shall be in accordance with the Teachers' Transfer and Posting Policy, 2025, as notified by the Government and the rules made under this Act.
- (3) The point-based system shall be applied uniformly on the basis of verifiable service records and may include-
  - (a) age;
  - (b) gender;
  - (c) length of service, with differential weightage for service in Hard, Middle and Soft Area schools;
  - (d) availability of prescribed Annual Performance Appraisal Reports;
  - (e) National or State Awards recognized by the Government;
  - (f) students' academic performance attributable to the teacher; and
  - (g) certified medical or health grounds supported by competent authority certification.
- (4) The point-based system shall operate as an administrative tool and shall not create any vested or enforceable right to claim a particular posting.

**33. Application of objective criteria for rationalisation :**

The same objective point-based system and weightage referred to in section 32 shall, so far as practicable, be applied for the purpose of rationalisation, redeployment, or adjustment of teachers, to ensure equitable distribution and optimal utilisation of manpower subject to institutional requirements and administrative exigency.

**34. Tie-breaking :**

Where two or more teachers/employee secures equal aggregate points, preference shall be given in the following order:-

- (a) female teacher/employee;
- (b) teacher/employee with longer continuous stay at the present station;
- (c) older teacher /employee by age.

**35. Power to deviate in public interest :**

Notwithstanding anything contained in this Chapter, the Competent Authority may, for overriding public interest or administrative exigency, deviate from the point-based system for reasons to be recorded in writing and consistent with the provisions of this Act.

**CHAPTER - XI****RATIONALISATION AND DEPLOYMENT****36. Rationalisation and deployment of teachers/employees :**

- (1) The Government or the Competent Authority shall undertake rationalisation, deployment and redeployment of teachers/employees to ensure-
  - (a) optimal utilisation of teaching/non-teaching manpower;
  - (b) equitable distribution of teachers/employees across schools; and
  - (c) compliance with sanctioned strength, pupil-teacher ratio, subject requirement and institutional needs in the interest of academic continuity and effective school/office administration.
- (2) Rationalisation and deployment under this section shall be carried out in accordance with this Act on the basis of verified data, including sanctioned posts, working strength, subject-wise requirement and service particulars, in such manner as may be prescribed and recorded through the Teacher's Registry Portal.

- (3) Deployment or redeployment under this section shall be deemed to be an administrative measure in public interest and shall constitute an incidence of service, conferring no vested or enforceable right.

**37. Limited grievance :**

- (1) Any grievance arising out of rationalisation or deployment shall be restricted to-
- (a) factual errors in the data relied upon; or
  - (b) material procedural irregularities.
- (2) No grievance shall lie against the rationalization taken in public interest or against the merits of deployment made in accordance with this Act.
- (3) The decision of the Competent Authority on such grievance shall be final and binding.

**CHAPTER XII**

**GRIEVANCE REDRESSAL AND APPEAL**

**38. Grievance redressal :**

- (1) The Government shall establish a departmental grievance redressal mechanism for matters arising under this Act, in such manner as may be prescribed including the authority, procedure and time-limit for disposal of such grievances.
- (2) Provided that submission of a grievance or representation shall not, by itself, operate as a stay of the transfer or posting order, unless specifically directed by the Competent Authority for reasons to be recorded in writing.

**39. Exhaustion of remedy :**

- (1) No appeal or judicial proceeding shall be entertained unless the departmental grievance remedy is first exhausted.

**40. Finality :**

The decision of the Competent Authority or Appellate Authority under this Chapter shall be final and binding, subject only to limited judicial review on grounds of patent illegality or proven malafide. For the purpose of this Act, the Chief Secretary shall be the Appellate Authority.

**CHAPTER - XIII**

**MISCELLANEOUS**

**41. Offences and penalties :**

Any teacher or employee who-

- (a) furnishes false, misleading, or suppressed information; or
- (b) contravenes any provision of this Act or the rules made thereunder,

shall be liable to disciplinary action in accordance with the applicable service rules and such action shall be proportionate to the nature and gravity of the misconduct.

**42. Protection of action taken in good faith :**

No suit, prosecution, or other legal proceeding shall lie against the Government, the Competent Authority, or any officer for anything done or intended to be done in good faith under this Act or the rules made thereunder in the discharge of official duties.

**43. Overriding effect :**

The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force.

**44. Power to remove difficulties :**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as may be necessary for removing the difficulty.

Provided that no such order shall be inconsistent with the provisions of this Act.

- (2) No such order shall be made after the expiry of two years from the date of commencement of this Act.

**45. Power to make rules :**

- (1) The Government may, by notification, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of sub-section (1), the rules may prescribe the manner of enforcement of joining timelines, grant of extension and consequences of non-joining and any other matter required to be prescribed under this Act.

**46. Power to amend Schedule :**

The Government may, by notification published in the Official Gazette, amend the Schedule and every such amendment shall have effect as if enacted in this Acts subject to the provisions of this Act.

**SCHEDULE - I**

[See section 2 (w) and section 46]

**CLASSIFICATION OF AREAS**

For the purposes of this Act, Government schools shall be classified as follows:-

**1. Hard Area :**

Schools located in areas which-

- (a) require foot march of not less than one day or one stage to reach; or
- (b) are situated in remote, border, hilly or interior regions with severe geographical constraints; or
- (c) lack regular motorable road connectivity for a substantial part of the year; or
- (d) are notified as Hard Areas by the Government in public interest.

**2. Middle Area :**

Schools located in areas which-

- (a) have limited or minimum motorable road connectivity; or
- (b) are accessible only seasonally or with significant difficulty; or
- (c) have partial availability of basic civic amenities; or
- (d) are notified as Middle Areas by the Government.

**3. Soft Area :**

Schools located in areas which-

- (a) have all-weather motorable road connectivity; and
- (b) have reasonable availability of basic amenities including education, health and communication; or
- (c) are notified as Soft Areas by the Government.

**4. Authority and Review :**

The categorisation of schools under this Schedule shall be made and periodically reviewed by the Government or such authority as may be prescribed and shall be binding for all purposes under this Act.

**SCHEDULE - II****OBJECTIVE POINT-BASED CRITERIA FOR TRANSFER**

Where two or more eligible teachers compete for the same notified vacancy, selection shall ordinarily be made on the basis of an objective point-based system, subject to the provisions of this Act.

**1. Maximum Points :**

The maximum aggregate points attainable shall be Seventy (70) points.

**2. Parameters and Weightage :**

Sl. No.	Parameter	Maximum Points
1	Age	10
2	Gender	10
3	Length of Service (Area-wise)	10
4	Availability of APAR	10
5	National / State Award	10
6	Students' Academic Performance	10
7	Medical / Health Grounds	10
Total		70

**3. Age :**

Points shall be awarded based on age as on the notified cut-off date, as prescribed.

**4. Gender :**

Female teachers/employees may be accorded higher points, as prescribed.

**5. Length of Service (Area-wise) :**

Points shall be awarded per completed year of service rendered in Hard, Middle or Soft Areas, with higher weightage for Hard Area service, subject to a maximum of ten (10) points.

**6. APAR :**

Points shall be awarded based on availability of duly recorded and accepted Annual Performance Appraisal Reports.

**7. Awards :**

Teachers/employees who have received National or State Awards recognised by the Government shall be awarded points as prescribed.

**8. Students' Academic Performance :**

Points shall be awarded based on verifiable academic outcomes, as prescribed.

**9. Medical / Health Grounds :**

Points shall be awarded only on the basis of medical conditions certified by a competent medical authority.

**10. Tie-Breaking:**

In case of equal points, preference shall be given in the following order:-

- (a) female teacher/employee;
- (b) longer stay at the present station;
- (c) older in age.

**11. No Vested Right :**

The point-based system shall operate as an administrative tool and shall not create any vested or enforceable right to claim a particular posting.

**SCHEDULE - III****EXEMPTIONS FROM MANDATORY SERVICE OBLIGATIONS****1. Grounds for Exemption :**

Exemption from mandatory service obligations may be granted only in exceptional circumstances, namely:-

- (a) serious illness of the teacher/employee certified by a Government Medical Board;
- (b) permanent disability acquired during service;
- (c) serious illness or disability of a dependent family member requiring constant care;
- (d) extraordinary humanitarian circumstances; or
- (e) compelling public interest recorded in writing.

**2. Nature of Exemption :**

- (1) Exemption shall be limited, conditional and case-specific.
- (2) Exemption shall not create a precedent or vested right.

**3. Authority :**

The power to grant exemption shall vest in the Government or such authority as may be prescribed.

**4. Verification :**

All claims for exemption shall be supported by documentary evidence and subject to verification.

**5. Finality :**

The decision of the competent authority granting or rejecting exemption shall be final and binding, subject only to limited judicial review on grounds of patent illegality or malafide.

Saugat Biswas, IAS  
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