

Order**16/03/2022**

These writ petitions have been filed by the petitioners seeking a directions to the respondents not to deploy teachers as Booth Level Officer ('BLO') in view of the provisions of the Right of Children to Free & Compulsory Education Act, 2009 ('the Act').

In the writ petitions, the petitioners relying on the circulars issued by the education department dated 18.10.2011 and 01.06.2012, sought a specific direction that as the education department itself has mandated that teachers could not be deployed for the said work, the respondents be directed not to deploy teachers like petitioners as BLO.

Notices of the petitions were issued to the respondents and learned AAG was directed to complete his instructions in the matter from both the education department and the election department, in view of the apparent contradictions in teachers being made to work as BLO and the instructions issued by the education department.

A response has been filed by the respondents, inter-alia, indicating that after the circulars relied on by the petitioners issued in the year 2011 & 2012, a communication by the Secretary of the Department to the Director, Primary Education has been issued on 27.08.2015 specifically indicating that the teachers can be deployed as BLOs and therefore, as the earlier communications stand superseded by the communication dated 27.08.2015, the reliance placed by the petitioners is misplaced.

Learned counsel for the petitioners made submissions that the Manual on Electoral Rolls issued by the Election Commission of India provides 13 categories of Government / Semi-government

employees, who can be deployed as BLO and the same further provides that teachers shall be drafted minimally as BLO and therefore, the respondents are not justified in deploying teachers as BLOs and that the BLO should be a local person only.

Further submissions have been made that even in cases where there are obvious difficulties in teachers working as BLOs, inasmuch as, in some cases where the school has only three teachers and all the three teachers have been deployed as BLOs, which results in difficulties to the teachers as well as the students and therefore, the said action of the respondents is not justified.

Submissions have also been made that deployment is contrary to the provisions of Section 27 of the Act and on that count also, the action of the respondents in deploying the teachers as BLOs, deserves to be mandatorily stopped.

Learned counsel for the respondents made submissions that in view of the circular dated 27.08.2015 (Annex.-R/1), the plea sought to be raised based on the circulars of the year 2011 & 2012 has now no basis.

Further submissions have been made that in so far as the Manual on Electoral Rolls is concerned, the same only indicates that to the extent possible, the BLO should be an elector in the polling station where he is deputed as BLO, which cannot be read as a mandatory condition.

Further submissions have been made that only in cases where the teachers are required to be deputed as BLOs, they are being deployed and that the provisions of Section 27 of the Act, in fact, provides that teachers can be deputed for election work and as such, the submissions made in this regard also have no basis.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

The petitions principally have been filed relying on the circulars of the year 2011 & 2012. The circular issued on 27.08.2015 (Annex.-R/1) reads as under :-

"निदेशक,
प्रारम्भिक शिक्षा,
राजस्थान, बीकानेर।

विषय :- शिक्षकों की गैर-शैक्षणिक कार्यों में प्रतिनियुक्ति के संबंध में।
संदर्भ :- आपका पत्र क्रमांक: शिविरा/प्रारं/शिक्षक-संस्था/एफ.2/प्र.
नि. निर्देश/2015 दिनांक 27.07.2015

महोदय,

उपर्युक्त विषयान्तर्गत एवं संदर्भित पत्र द्वारा शिक्षकों के गैर-शैक्षणिक कार्य विशेषकर निर्वाचन संबंधी कार्यों में नियोजन के संबंध में चाहे गये मार्गदर्शन के क्रम में लेख है कि शिक्षकों को निम्नांकित चुनाव संबंधी कर्तव्यों के निर्वहन हेतु लगाये जाने का प्रावधान है -

1. (अ) बी.एल.ओ. के रूप में (ब) पर्यवेक्षक के रूप में (स) आम चुनाव/उप चुनावों में सेक्टर/जोनल मजिस्ट्रेट, पीठासीन अधिकारी/मतदान अधिकारी के रूप में। (द) अन्य कार्य यथा- Flying Squad/SST/UST/VUT/Control Room etc.
2. सामान्य वर्षों (चुनाव वर्ष के अतिरिक्त) में मतदाता सूची का पुनरीक्षण कार्य होता है, जो सामान्यतया सितम्बर से नवम्बर तक होता है। इसके अतिरिक्त भारत निर्वाचन आयोग से अन्य अभियान यथा एनईआरपीएपी आदि के लिए निर्देश आते हैं, तो शिक्षकों को लगाया जाता है अन्यथा नहीं। इनके द्वारा शैक्षणिक समय से पूर्व या इसके पश्चात् अथवा अवकाश के दिनों में ही उक्त कार्य किया जाता है।
3. आम चुनाव/उप चुनावों के दौरान विभिन्न कार्यों के लिए शिक्षकों की सेवाएँ ली जाती हैं और रहेंगी।

भवदीय,

सही/-

(कुंजी लाल मीणा)

शासन सचिव"

सत्यमेव जयते

The above circular clarifies each and every aspect regarding the engagement of teachers as BLOs and for all other non-teaching work and therefore, the plea sought to be raised in this regard based on previous circulars essentially has now no basis.

So far as the indications made in the Manual on Electoral Rolls is concerned, the list of as many as 13 Government / Semi-government employees have been indicated, who could be

deployed as BLOs. The petitioners have failed to place on record material to indicate as to what percentage of teachers have been deployed / deputed as BLOs compared to other employees and as such, it cannot be said that the requirement in the Manual of drafting the teachers minimally has not been followed by the respondents.

Further so far as, deputing an elector of the polling station as BLO is concerned, the manual indicates 'to the extent possible' and therefore, the petitioners cannot seek enforcement of the said condition so as to get relieved from the duties as BLOs.

The provisions of Section 27 of the Act read as under :-

"27. Prohibition of deployment of teachers for non-educational purposes.- No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be."

A bare reading of the above reveals that the section, which deals with prohibition of deployment of teachers for non-educational purposes, by way of exception provides that the teachers can, inter-alia, be deployed for duties relating to elections to the local authority or the State Legislature or Parliament, as the case may be and it cannot be said that the work of BLO would not fall within the said category.

In view thereof, the various plea sought to be raised in the petitions seeking mandate to the respondents not to deploy teachers as BLOs has no substance.

However, insofar as, the personal difficulties to a teacher in a given case are concerned, it is always open for them to approach the concerned authority in this regard and it is expected of the

concerned authority to look into the grievance raised and in case, found justified to redress the same appropriately.

With the above observations, no case for interference is made out in the present writ petitions. The writ petitions are, therefore, dismissed.

(ARUN BHANSALI),J

17 to 25 & 42-Rmathur/-

RAJASTHAN HIGH COURT



सत्यमेव जयते