

ई-मेल / स्पीडपोस्ट

कार्यालय मुख्य निर्वाचन अधिकारी, उत्तर प्रदेश।

चतुर्थ तल, विकास भवन, जनपथ, हजरतगंज, लखनऊ-226001

संख्या-ए-233 / सी0ई0ओ0-4-14 / 4-2010 लखनऊ: दिनांक: 07 सितम्बर, 2016

सेवा में,

समस्त जिला निर्वाचन अधिकारी,
उत्तर प्रदेश।

विषय- बूथ लेवल अधिकारियों की नियुक्ति के सम्बन्ध में दिशा-निर्देश।

महोदय,

उपरोक्त विषय पर कृपया भारत निर्वाचन आयोग के पत्र संख्या-23 / BLO/LET/ECI/FUNC/ERD/ER/2016 दिनांक 05.09.2016 (संलग्नक सहित छायाप्रति संलग्न) का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से निर्वाचक नामावलियों के पुनरीक्षण में माननीय उच्चतम न्यायालय के आदेशों के क्रम में शिक्षकों को नियुक्त किए जाने के बारे में आयोग द्वारा दिशा-निर्देश उपलब्ध कराए गए हैं।

अतः कृपया आयोग के संलग्न दिशा-निर्देशों का भलीभांति अध्ययन करते हुए समस्त निर्वाचक रजिस्ट्रीकरण अधिकारियों/सहायक निर्वाचक रजिस्ट्रीकरण अधिकारियों तथा अन्य समस्त सम्बन्धित के संज्ञान में लाते हुए आवश्यक कार्यवाही सुनिश्चित कराने का कष्ट करें।

संलग्नक: यथोपरि।

भवदीय,

(रत्नेश सिंह)

उप मुख्य निर्वाचन अधिकारी

संख्या:ए-233(1) / सी0ई0ओ0-4 तददिनांक-

प्रतिलिपि संलग्नक सहित निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. समस्त मण्डलायुक्त, उत्तर प्रदेश।
2. समस्त उप जिला निर्वाचन अधिकारी, उत्तर प्रदेश।
3. समस्त अधिकारी/अनुभाग, का0मु0निर्वा0अधि0, उ0प्र0।

(रत्नेश सिंह)

उप मुख्य निर्वाचन अधिकारी

A-233/CEOU-
7/9/16

E-mail/Speed Post

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 23/BLO/LET/ECI/FUNC/ERD/ER/2016

Dated: 5th September, 2016

To,

The Chief Electoral Officer of
All States/UTs

Subject: Revision of Electoral Rolls-deployment of Teachers-regarding.

Sir/Madam,

I am directed to say that the Hon'ble Allahabad High Court while disposing of writ petition in Public Interest Litigation (PIL) No. 36449 of 2016 (Uttar Pradeshiya Prathmik Shikshak Sangh and Ors. Vs State of Uttar Pradesh and Ors) has passed its judgement on 08.08.2016 (a copy of the judgement is enclosed).

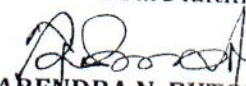
The Election Commission of India, in the above matter has submitted before the Hon'ble High Court that the teaching staff will be put on duty on non-teaching days and within non-teaching hours, as observed by the Hon'ble Supreme Court in Election Commission of India Vs. St Mary's School and Ors. (2008) 2 SCC 390.

In the case of St. Mary's School and Ors., the Hon'ble Supreme Court had directed that all teaching staff shall be put on duty of roll revision and election work on holidays and non-teaching days. The Court further directed that teachers should not ordinarily be put on duty on teaching days and within teaching hours and non-teaching staff, however, may be put on such duty on any day and anytime, if permissible in law.

Consequently, for drafting of teachers on duty of electoral roll revision, the Commission issued detailed directions vide letter No. 23/2007/ERS, dated 28.01.2008 (a copy enclosed for ready reference) to the Chief Electoral Officers of all States/UTs.

In view of the instant judgment of the Hon'ble Allahabad High Court, the Commission hereby reiterates its directions as spelt out in its letter dated 28.01.2008 as referred to above. The Commission further directs that all concerned should be sensitised to strictly follow the Commission's above-mentioned directions in letter and spirit.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SECRETARY

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08/09/16

(रत्नेश सिंह)

उप मुख्य निर्वाचन अधिकारी
उत्तर प्रदेश।

1-9-16

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 36449 of 2016

Petitioner :- Uttar Pradeshiya Prathmik Shikshak Sangh And 3 Ors.

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Satyash Chandra Maurya, Dharampal Singh, Mangal Rai

Counsel for Respondent :- C.S.C., Bhupendra Nath Singh, Jai Krishna Tiwari, Siddharth Niranjana, Tarun Agrawal

Hon'ble Dilip B. Bhosale, Chief Justice

Hon'ble Yashwant Varma, J.

Heard Mr. Dharampal Singh, learned Senior Counsel, assisted by Mr. S.C. Maurya, learned counsel for the petitioners, Mr. Ramanand Pandey, learned Standing Counsel for respondent Nos.1,2,3,5 and 6, Mr. J.K. Tiwari, learned counsel for respondent No.4, Mr. B.N. Singh, learned Senior Counsel for respondent No.7 and Mr. Tarun Agrawal, learned counsel for respondent No.8.

The petitioners-Sangh, in the instant writ petition, seek the following reliefs:

- "i) Issue a writ, order or direction in the nature of mandamus restraining the respondents from compelling basic school teachers to perform the duties as Booth Level Officers and for Preparation, Revision, Maintenance and D-Duplication of the Electoral Roll/Voter List or any other duty which interferes in the regular functioning of basic school teachers in regularly teaching the students;*
- ii) Issue a writ, order or direction in the nature of mandamus directing the authorities below for issuing a commission for local inspection of the various properties including shops which are owned and are in possession of the respondent."*

Learned counsel for the respondents, at the outset, invited our attention to the judgment of the Supreme Court in

Election Commission of India Vs. St. Mary's School & Ors., (2008) 2 SCC 390 and particularly paragraph 33 thereof, and submitted that in view of the directions issued by the Supreme Court, this writ petition may be disposed of in terms thereof. Paragraph 33 reads thus:

"33. We would, however, notice that the Election Commission before us also categorically stated that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and non-teaching hours; whereas non-teaching staff be put on duty any time. We, therefore, direct that all teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching days. Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law."

Learned counsel for the respondents submit that they shall put the teaching staff on duty on non-teaching days and within non-teaching hours, as observed by the Supreme Court in the aforementioned paragraph. Their submission is recorded and accepted.

In view thereof, nothing further survives in the writ petition. The writ petition is disposed of.

Order Date :- 8.8.2016

RKK/-

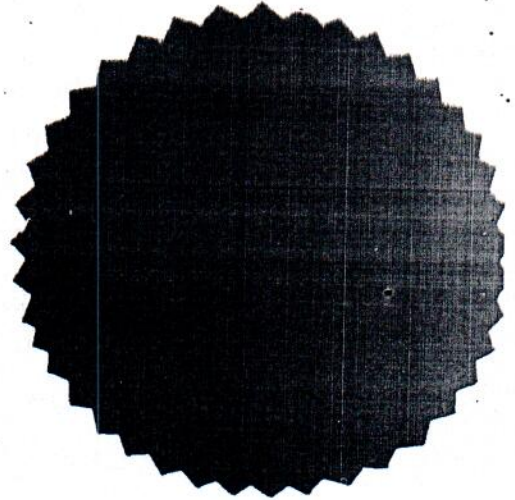
(Dilip B Bhosale, CJ)

(Yashwant Varma, J)

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 HIGH COURT, ALLAHABAD



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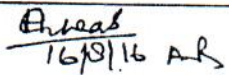
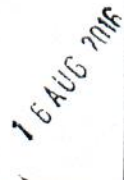


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Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No. of Pages
182938 of 2016	16.8.2016	WPIL	36449	2016	Allahabad	8.8.2016	15.0	2

Printed/Prepared by	Authenticated by	Date of Issuance
Signature :-  Name :- Amit Kumar Srivastava Designation :- Review Officer Employee No. :- E7173 Date of Printing:- 16.8.2016	Signature :-  Name :- H. G. DAS Designation :- Section Officer Employee No. :- 3321 Authenticated Copy ready on:-	

16 AUG 2016

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ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI-110001.

ASHISH CHAKRABORTY
UNDER SECRETARY

No. 23/2007/ERS

Date: 28.01.08

To

The Chief Electoral Officers
of all States & Union Territories.

Sub-Revision of electoral rolls-deployment of teachers regarding.

Sir,

I am directed to say that the Hon'ble Supreme Court has passed its judgement and order on 06.12.07 in C.A 5659 of 2007 filed by the Commission against the judgement and order dt. 11.08.04 passed by a Division Bench of the Delhi High Court in W.P.C No.-1076 of 2003-St. Mary's School Vs. U.O.I & Others.

The Election Commission of India, in the above litigation had stated before the Hon'ble Court that, as far as possible, teachers would be put on electoral roll revision work on holidays, non-teaching days and non-teaching hours; whereas non-teaching staff be put on duty any time. On this, the Hon'ble Supreme Court has directed that all teaching staff shall be put on duty of roll revision and election works on holidays and non-teaching days. The Court has further directed that teachers should not ordinarily be put on duty on teaching days and within teaching hours and non-teaching staff, however, may be put on such duty on any day and any time, if permissible in law.

In the context of electoral roll revision, the teachers are normally used in two capacities, i.e, as designated officer and as a Booth Level Officer. The Commission earlier had given instructions that in the appointment of BLOs, the use of teachers shall be avoided as far as possible. However, it is noticed that due to paucity of other Govt. staff in adequate numbers, the teachers are still being used as BLOs.

Considering the above situation and in view of the order of the Hon'ble Supreme Court, the Election Commission has directed as follows:-

1. Wherever teaching staff is put on duties of roll revision, the DEOs/EROs, shall prescribe holidays and non-teaching days and non-teaching hours as duty period for this work. Such appointees may be asked to avoid teaching

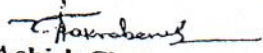
(14)

days and teaching hours for undertaking the roll revision work. During roll revision, wherever the teachers are appointed as designated officers to make various Forms (Form-6, 7 etc.) available to the voters and to receive the Forms from the voters, the DEOs/EROs shall prescribe a specific time during non-teaching hours for the purpose of providing and receiving such Forms. Preferably, minimum of one hour time immediately after the closure of teaching hours can be earmarked for this purpose. Depending on the prevailing teaching hours, the DEO/ERO shall issue specific instruction and bring the same to the knowledge of all political parties and to the public well in advance.

2. Wherever special campaign dates are prescribed during the revision period, such campaign shall invariably be held on holidays only.
3. When an intensive revision is to be ordered, the schedule for revision shall be devised keeping the availability of holidays in mind. If the door-to-door verification has to be done on teaching days, such verification may be asked to be done after teaching hours and on holidays.
4. whenever the teachers are used as Booth Level Officers for the purpose of door-to-door verification, for finding out cases of photo mismatches in the photo roll etc., the same exercise shall be done during non-teaching hours and on holidays.
5. Whenever needed, the period for enumeration work may be extended for this purpose so that the enumeration work is carried out without hampering the teaching hours.

**This may be brought to the notice of all concerned:
Kindly acknowledge receipt.**

Yours faithfully,


(Ashish Chakraborty)