

Government of National Capital Territory of Delhi
Directorate of Education (Act-I) Branch
Old Secretariat, Delhi-54

No. F.DE.15/Act-I/4607/13/2015/5686 - 5696

Dated: 06-01-2016

ORDER

Directorate of Education vide its circular dated 8/12/2015 directed all the Private Unaided Recognized Schools to develop and adopt criteria for admissions for the 75% Open Seats to Entry Level Classes for session 2016-17 which shall be clear, well defined, equitable, non-discriminatory, unambiguous and transparent. All these criteria and their points were to be uploaded on the departmental website.

The adopted criteria uploaded by the schools was scrutinized and found that some of the schools have adopted criteria like Status of child, Non smoker parent, Special ground if candidate is having proficiency in music and sports/Social, Noble cause/Non-smoker parent/Oral Test/Date of Birth Certificate of Child from MCD/Affidavit/Vegetarianism/Joint Family/ Non-alcoholic/Age/ Certificate of last school attended/Language/economic condition/Business/Service/ Attitude and Values/ID Proofs and Address of the documents of the parents/Special Quality/ declaration regarding picking or drop of the students at school facility etc. which are contrary to the principles mentioned above.

Further, it has been observed that some private unaided recognized schools are reserving seats under Management Quota as well as in different categories like under Sibling, Alumni, Girl Child etc.

The issues of adopting unfair criteria by the Private Unaided Recognized Schools was raised in WPC 8533/2010 and other connected matters and Hon'ble High Court vide its judgment dated 19/02/2013 directed that Hon'ble Lt. Governor Delhi may amend the existing admission order 2007 exercising the power conferred upon him under section 3 read with rule 43 of DSEAR, 1973 to check any possible malpractices in 75% admission to the entry level classes.

Hon'ble High Court in its judgment dated 19/02/2013 held that Private Unaided Schools cannot be allowed to run as Teaching Shop. The operative part of the judgment is as under:-

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“It is common knowledge that though there is obligation on the State to provide free and compulsory education to children and the corresponding responsibility of the institution to afford the same, educational institution cannot be allowed to run as ‘Teaching Shops’ as the same would be detrimental to equal opportunity to children. This reality must not be ignored by the State while considering the observations made in this judgment. Hence, we only observe that to avail the benefit of the Right to Education Act to a child seeking for nursery school as well, necessary amendment should be considered by the State. We hope and trust that the Government may take the above observations in the right spirit and act accordingly”.

Pursuant to the directions of the Hon’ble High Court, this Directorate issued Orders dated 18/12/2013 & 27/12/2013 prescribing uniform criteria and their point for admission to the Entry Level Classes for Open Seats in Private Unaided Recognized Schools.

The said orders when challenged were set aside by the Hon’ble High Court vide order dated 28/11/2014 in WPC 177/2014 & 202/2014 with the observation that Private Unaided Schools have a fundamental right to devise the procedure to admit students but subject to the condition that the procedure is fair, reasonable and transparent.

Contrary to the directions of the Hon’ble High Court’s Order dated 28/11/2014 in WPC 177/2014 & 202/2014, many Private Unaided Recognized Schools have come out with admission criteria which are unfair, unreasonable and non-transparent.

In view of the above, all the Private Unaided Schools concerned are directed to remove the admission criteria as mentioned below and replace them with the criteria which shall be fair, reasonable and transparent.

Sl. No.	Criteria	Remarks of being unfair, unreasonable and non-transparent
01	Special ground (parents with proficiency in music, sports, national awardee etc.)	This criterion is not just as it is discriminatory to the other children seeking admission.
02	Transferable jobs / state transfers / IST	This criterion is required for admission in upper classes to give better chances and continuation of studies of a child. It is not just to give weightage for admission at the entry level classes. Apart from it, an individual residing in particular locality for many years has a better right to get his ward admitted in the school in his locality rather than the individual who has shifted on

		transfer to that locality.
03	First born	This criterion shall lead to discrimination for the parents desirous to seek admission of his ward that is not first born.
04	Parents education	India is a developing country and literacy rate is not 100%. Giving weightage to parents' education criteria is unjust to the children whose parents do not have good educational background. It leads to the inequality also.
05	School transport	One can't be forced to use school transport and it depends on the need of parents. Compulsion to use school transport shall also put an extra financial burden on the parents.
06	Parent working in sister-concern school,	The ward of Staff/Employees of any school concerned can have a right for admission to that school but extending the same benefits to the sister concern of that particular school will curtail the right of General Parents' wards.
07	Both parents are working,	There is no merit to give weightage on this criterion. Equal opportunities of admission should be given to non-working/single parent working/both parents working.
08	First cousin of the child (parental / maternal),	This will create a homogenous group in a class/school which is not conducive to the overall development of child.
09	School specific criteria	This criterion has a very wide interpretation. The school should have specified it in a just, reasonable and transparent manner.
10	Status of child	This is illogical criterion as one can't assign the status to the small children.
11	Special ground if candidate is having proficiency in music and sports,	It is inappropriate to assign points for proficiency in music and sport to a child at the age of 3 to 6 years.
12	Any other specific category	This is vague criterion. The school should have specified it in a just, reasonable and transparent manner.
13	Social/Noble cause.	There is no standard parameter to determine it and is likely to be misused.
14	Mother's qualification 12 th Passed	There is no merit to give weightage on this criterion. Equal opportunities of admission should be given to children irrespective of their mother's qualification.
15	Non-smoker parent	Child cannot be punished for the any particular habit of the parents, so this is unjust.
16	Empirical achievements	Parents' achievements cannot be the criteria

	of the parents	for admission as all the children have equal rights.
17	First time admission seekers,	There is no merit. Everyone is first time admission seeker to the entry level class.
18	First-come-first-get,	The admission schedule has been fixed by the Department prescribing the dates for submitting application, displaying the list of selected children. If no particular criteria is fixed for such admission, the school may collect applications up to the last date , if number of application are more than the seats, it may go for draw of lots and make admission as per announced schedule.
19	Oral Test	Screening/Interview at the entry level is not reasonable.
20	Interview	Interview at the entry level is not reasonable.
21	Professional field// expertise	Parents' professional field cannot be the criteria for admission as all the children have equal rights.
22	Management Quota	Schools do not adopt standard procedure to admit students under this criterion. There are widespread allegations that this quota is misused by the schools by collecting capitation fee from the parents.
23	Date of Birth Certificate of Child from MCD/Affidavit	This cannot be the criteria for points. It is documentary proof for age.
24	Govt. employee	Parents' professional field cannot be the criteria for admission as all the children have equal rights.
25	Vegetarianism	Child cannot be punished or rewarded for any particular habit of the parents, so this is unjust.
26	Special cases	This criterion has a very wide interpretation. The school should have specified the criteria which may be just, reasonable and transparent.
27	Joint Family	This criterion is not practically determinable and as such, there is no basis of connecting it to the admission process.
28	Non-alcoholic	Child cannot be punished for any particular habit of the parents, so this is unjust.
29	Age	Age criterion has already been specified for Entry Level Classes by the department therefore points cannot be assigned to this.
30	Certificate of last school attended/Marks of previous class,	In the entry class admission, there is no certificate of last school attended and marks of previous class so it is illogical to give points to this criterion.
31	Proven track record of	Parents proven track cannot be the criteria

	parents (international/national/state awardee)/ Rural Development/ Promotion of traditional art and craft/Sport etc.	for admission as all the children have equal rights.
32	Gender	This is discriminatory.
33	Attitudes and values	It is undefined and likely to be misused.
34	ID Proofs and Address of the documents of the parents	Department has already specified the list of documents as proofs. It cannot be a criteria for giving points.
35	Language (speak only 2 points, write only 2 points, read only 2 points)	This is illogical to give points to this criterion. Small children should be on equal footing in every respect as the entry level class is the starting level of learning.
36	Promotion/Recognition as specified in the school website and notice board	It is not clear.
37	Economic condition/ BPL Family/ Background – Poor Family	The parents seeking admission in a particular school are aware of the fee structure of the school and willing to pay the same. Fee structure of the school is same for everyone in the school. So the economic condition should not matter.
38	Business/Service	It is not just and discriminatory. Parents' status does not matter at least in the education field.
39	Special quality	It is undefined and likely to be misused.
40	Declaration regarding picking or drop	It is illogical. It is the choice of the parents to opt for school transport or not as per their convenience.
41	Scholar students	It is illogical. No scholastic aptitude can be tested at the entry level classes.
42	Regularity in payment of school dues	It is illogical. Parents just seeking admission of their ward in the entry level class cannot be judged on this criterion.
43	Terms and condition of school	It is not clear.
44	2 Photograph of child	It is not relevant criteria for assigning points.

45	Original Research/Recognition received in the area	It is illogical, undefined.
46	Child whose parents/grandparent is a significant non-financial/ volunteer to the school.	It is undefined and discriminatory.
47	Contribution, physical or professional work (both pro-bono) through a registered NGO.	It is vague and undefined and likely to be misused.
48	Father/Mother participates at state level in the field on sports, music and writing.	Parents' proficiency/expertise in any field cannot be the criteria for admission as all the children have equal rights.
49	Interview/GK	Interview at the entry level is not reasonable.
50	Management discretion	This criterion is not fair and likely to be misused.
51	Management reference	This criterion is not fair and likely to be misused.
52	No admission criteria	In case of no admission criteria, the school has to follow the admission schedule of the department. If the number of applications are more than the seats available, then draw of lots may be conducted and admissions to be done as per schedule.
53	Oral Test /Communication Skill/Interaction	Oral Test /Communication Skill/Interaction at the entry level is not reasonable.
54	Parents reasons for approaching the school in terms of objective of the school	It is undefined and discriminatory.
55	Permanent resident of Delhi by birth	It is illegal and violation of fundamental right of the citizen.
56	School parameters/school specific parameters	It is undefined.
57	Similar cultural ethos	It is undefined.
58	SLC countersigned by EO	It is illogical as no SLC is required for admission in Entry Level Class.
59	Special permission for not completing elementary education.	It is not clear.
60	Sports /Sports activity	It is discriminatory.
61	Adopted Child/ twins	It is unfair.
62	Delhi University Staff	It is illogical

The list mentioned above is indicative and not exhaustive. The Private Unaided Recognized Schools are directed to remove all the criteria which are unfair, unreasonable and non-transparent.

Further, it is also observed that some of the schools have reserved a large number of seats under various quotas. Only 25% of the seats are reserved in Private Unaided Recognized Schools for EWS/DG admissions and rest of the 75% seats should be open seats where points based fair, reasonable and transparent criteria can be adopted for the admissions. In 75% of the open seats, there should not be any quota. However, if required, the children of the staff and the children of the members of the Management Committee can be given admission by making it a criterion and assigning points.

It is, accordingly, ordered that all Private Unaided Recognized Schools shall revise the admission criteria on the above lines in view of the directions of the Hon'ble High Court in its judgement dated 28/11/2014.

This order is issued with the approval of the Cabinet.

Ashima Jain
06/01/2016
(Dr. Ashima Jain), IAS

Additional Director of Education (ACT-I)

Management/HOS of Private Unaided Recognized Schools of Delhi

No. F.DE.15/Act-I/4607/13/2015/5686-5696 Dated:- 06-01-2016

Copy for information to :-

1. Pr. Secretary to Chief Minister, Delhi
2. PS to Minister of Education, GNCT of Delhi
3. PS to Pr. Secretary, Education
4. PS to Director (Education)
5. All Spl DE/RD/ADE of Directorate of Education.
6. All Districts DDEs
7. All the Directors of Education (MCD)/NDMC/Delhi Cant. Board.
8. All Education Officers
9. OS (IT) with direction to upload the order on the website of the department on the link 'Public Circulars and Orders.'
10. Guard file.

P.Lata Tara
06/01/2016

(P.Lata Tara)
DDE (Act-I)