

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
(ACT - I BRANCH)
OLD SECTT: DELHI-54

NO.DE.15 (172)/Act-I/2010/ 8255 - 8264

Dated:- 28/04/2016

ORDER

Directorate of Education vide its Notification No.F.15(172)/DE/Act-I/2010/20109-20123 dated 30-12-2013, issued directions in clause 3 (a) of para 2, to the Private Unaided Recognized Schools (including minority) having allotted land by Government Agency to admit children from Economically Weaker Sections in neighborhood to the extent of 20% in all fresh admissions made in other classes other than entry level in the same manner as provided in this Directorate's notification dated 07-01-2011.(Copies enclosed)

In pursuant to the judgment dated 01-09-2014 of Hon'ble High Court in W.P. (C) 131/2014 titled St. Columba Vs L.G. Delhi & Ors. And other connected writ petitions, Minority Schools running on the government land were exempted from the said land obligation.

The issue of non-compliance of land obligation in r/o granting admissions to EWS category students has been raised in the Hon'ble High Court time and again and Hon'ble High Court in the recent judgment dated 24-11-2014 in W.P. (C) No.4607/2013 titled Justice for All Vs GNCT of Delhi & Anr. directed as under:

"Though we are of the view that the orders in the earlier writ petition i.e. Social Jurist (supra) were with respect of all schools without carving out any distinction of primary, middle or secondary schools but to avoid any ambiguity, we direct the Directorate of Education, GNCTD to on yearly basis ensure that all schools including nursery schools which have been allotted land on the condition of admitting 25% of the students in schools established thereon from weaker sections of the society and on free ship basis, abide thereby and if finds any such schools to be in breach, immediately send intimation thereof to the DDA. We also direct the DDA to immediately on receipt of such intimation, initiate the process of cancellation of the leases."

It has come to the notice of the department through various sources that some Private Unaided Recognized Schools are not admitting the EWS children to the extent of 20% in all fresh admissions made in upper classes other than entry level, hence violating the directions issued by the department as mentioned above & terms of allotment of land as well.

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Now, therefore, all the school managements of Private Unaided Recognized Schools (except Minority) running on the land allotted by the Government agencies, are hereby directed to ensure that they admit children from Economically Weaker Section in neighborhood to the extent of 20% in all fresh admissions for the academic session 2016-17 in accordance with the notification dated 30-12-2013 as mentioned above and submit the details of fresh admissions made in upper classes (i.e. class II onwards) under Open (General)/EWS Category (free ship quota) of such classes in the module developed by the department, available at the link School Plant → School Information → Free ship admission details (2016-17) which shall be uploaded on the website of the department very soon. (Format enclosed)

In the said module the school shall also upload the details of the students given fresh admissions in r/o Open (General)/EWS seats (free ship quota) from class II onwards.

The school shall follow the instructions for granting admissions to EWS category as contained in the Notification dated 07-01-2011 as mentioned above.

Non-compliance of the orders shall be viewed seriously and the same shall be brought to the notice of DDA/Land Owning Agencies for cancellation of lease deed of the land of the society/trust.

This issues with the prior approval of Competent Authority.

P. Tara
28/4/16
(P. LATA TARA)
DY.DIRECTOR OF EDUCATION (ACT-I)

**School Managements of
Private Unaided Recognized Schools,
running on the land allotted by
DDA/ Govt. Agencies.**

NO.DE.15 (172)/Act-I/2010/ 8255-8264

Dated:- 28-04-2016

Copy for information to:-

1. Pr. Secretary to Chief Minister, GNCT of Delhi.
2. PS to Minister of Education, GNCT of Delhi.
3. PS to Pr. Secretary (Education), Dte. of Education, GNCT of Delhi.
4. PS to Director (Education), Dte. of Education, GNCT of Delhi.
5. All Spl.DE/RD/DDE of Directorate of Education, GNCT of Delhi.
6. All District/Zonal DDEs.
7. All Office Supdt. (Act-I)/Dealing Assistants concerned.
8. OS (IT) with direction to upload the order on the website of the department on the link 'Public Circulars and Orders'.
9. Guard file.

P. Tara
28/4/16
(P. LATA TARA)
DY.DIRECTOR OF EDUCATION (ACT-I)

(TO BE PUBLISHED IN PART-IV OF THE DELHI GAZETTE-EXTRA-ORDINARY)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(EDUCATION DEPARTMENT)
OLD SECRETARIATE, DELHI - 110 054.

No.15 (172)/DE/Act/2010/69

Dated: 07/6/2011

NOTIFICATION

No.15 (172)/DE/Act/2010/69: In exercise of the powers conferred by sub-section (1) of section 3 of the Delhi School Education Act, 1973 (18 of 1973) read with rule 43 of the Delhi School Education Rules, 1973 and under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and in supersession of Order No.F/DE/15/ACT/2006/424 dated 25.1.2007 or any other order issued in this regard, except as respects things done or omitted to be done before such supersession, the Lt. Governor of the National Capital Territory of Delhi, hereby makes the following order, namely:-

1. **Short Title and Commencement** - (1) This Order may be called the Delhi School Education (Free seats for Students belonging to Economically Weaker Sections and Disadvantage Group) Order, 2011.
(2) This order shall come into force with immediate effect.
2. **Definitions** - In this order, unless the context otherwise requires:-
 - (a) "Act" means the Delhi School Education Act, 1973 (18 of 1973)
 - (b) "Class" includes the entry level class such as pre-school or first class as the case may be.
 - (c) "Child belonging to weaker section" means a child whose parents have total annual income of less than one lakh rupees from all sources and who have been staying in Delhi for the last three years.
 - (d) "Child belonging to disadvantaged group" means a child belonging to the Scheduled castes, the Schedule tribes, the Other Backward classes not falling in the creamy layer, child with special needs and suffering from disability as defined in the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996.

Contd./2/.

- (e) "DAMC" means District Admission Monitoring Committee set up under paragraph 7 of this order, in each district.
- (f) "RTE Act" means the Right of Children to Free and Compulsory Education Act, 2009.
- (g) "School" means a school as defined under section 2(n) (iii) and (iv) of RTE Act-2009.

3. Free seats for students belonging to weaker section and disadvantaged group:

- (a) All Schools shall admit children in class one to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker sections and disadvantaged groups in neighborhood and provide free and compulsory elementary education till its completion: Provided that where such school imparts pre-school education, the provisions shall apply for admission to such pre-school education.
- (b) No separate or exclusive class or shift shall be arranged for imparting education to the students admitted against free seats mentioned in sub-paragraph (a)
- (c) No tuition fee or any other charges or fee or fund shall be charged from the student admitted against the free seat.

4. Manner of admission against free seats - (a) The School shall display the total number of seats, the free seats available at entry level, the date of submission of applications for admissions against free seats in entry level, the date(s) of display of list of eligible candidates for draw, date(s) of draw, date(s) of display of list of successful candidates, date(s) of display of waiting list, date(s) of deposition of fees, last date of admission as per prescribed proforma (Annexure-I enclosed) on the notice board in the school and shall also notify the same to the concerned Dy. Director of Education by the 10th January 2011 and thereafter by 31st December of the year preceding the academic year for which such admissions are being made.

- (b) Total number of seats at the entry level i.e. nursery or Ist Class as the case may be shall not be less than the total number of seats in any other class of the school.

- (c) No registration fee, including charges of prospectus, shall be charged from the parents/children applying against free seat. The School shall provide Common Admission Form (Annexure-II enclosed) free of cost to parents/children as prescribed by the Directorate of Education. The application form would be available on the web-site of the DOE (www.edudel.nic.in). Parents may download the form and submit to the school concerned.
- (d) In case the number of applications for admission against the free seats at entry level classes exceeds the number of seats available, admission shall be made by draw of lots in the presence of parents of the applicants and of a nominee of Education Department, not below the rank of Vice Principal.
- (e) The School shall request the concerned District Dy. Director (Education) for the name of nominee of the department. The concerned District Dy. Director (Education) shall nominate an officer not below the rank of Vice Principal, who will work as an observer, during the process of admission. The entire proceeding of draw of lots shall be video graphed and CD/DVD shall be submitted to Dy. Director of Education along-with list of successful candidates on the same day or latest by the next day of the draw.
- (f) The School shall acknowledge the application for admission against free seats through a receipt and shall assign each application a registration number. The Registration-Slip (Annexure III enclosed) shall also indicate the date(s) of display of list of eligible candidates for draw, date(s) of draw, date(s) of display of list of successful candidates, date(s) of display of waiting list, date(s) of deposition of fees; last date of admission.
- (g) In case, the application of any child is found not to be in order and is rejected, the reasons for its rejection shall be recorded and communicated to the parents.
- (h) List of children admitted in the first list along with waiting list to the extent of 25% of seats under economically weaker sections quota shall be displayed on the notice board of the school on the scheduled date.
- (i) The School shall display the list of children to be admitted, under Free ship and general category, commonly in alphabetic order indicating (G) against general category children.

- (j) In case the number of applications for admission against the free seats is below the number of seats available, admission shall be made from the available applications and the vacant seats shall be re-notified for inviting further applications and also be notified to DAMC.
 - (k) The School shall furnish all such details as mentioned in paras (a), (c), (f), (g), (h) and (i) regarding free-ship seats on its website and also on official website of Directorate of Education giving all details through the link provided by the department on the same day or latest by next very day of the such events.
5. General Conditions.—
- (a) No screening procedure i.e. interview, counseling, written or oral test of any type of parents or child shall be conducted for the purpose of admission in violation of section 13 (1) of RTE Act, 2009 otherwise the School shall be penalized as per section 13(2) (b) of RTE Act-2009.
 - (b) Each school shall admit children from its neighborhood or extended neighborhood area, as notified by the Directorate of Education from time to time.
 - (c) The admission against the free seats shall be regulated by the Head of the School as per the provisions of the Delhi School Education Act, 1973 and RTE Act, 2009 and the Rules framed thereunder, subject to the provisions of this order.
 - (d) The Head of school shall be responsible for compliance of these orders for admission and will verify the list of students and other documents, so admitted.
 - (e) Any Authorized officer of Directorate of Education may verify such admissions and may call details/ records of such admissions.
 - (f) The school shall up-load the details of admitted child on official website of the department as already specified above and an unique ID shall be generated for every admitted child, which shall remain the same during the stay of the child in the school.
 - (g) Free-ship benefit shall continue to be extended to each student admitted under the Free Quota, till he/she completes elementary education in that particular school.

6. Documents required for admission on free-seat. --- (a) For the admission of child belonging to weaker sections - Income - Certificate issued by a revenue officer not below the rank of Tehsildar or BPL Ration Card (yellow coloured) or AAY Ration Card (Pink coloured) shall be considered as proof of income :

Provided that the parents of the child belonging to weaker section shall submit a self declaration of annual income on an affidavit every year for continuation of free seat in the school once admitted against free seat. However, no student shall be expelled or debarred from the school in case of non-submission of above mentioned documents without the prior approval of Director (Education), Dte. of Education, GNCTD.

- (b) For the admission of child belonging to disadvantaged group - a certificate issued by a revenue officer not below the rank of Tehsildar or any other competent authority, in the name of child or his/her parents shall be considered
- (c) The school shall not consider any other document except any one of the following documents, as proof of residence :-
- (i) Ration card issued in the name of parents (mother/father having name of the child)
 - (ii) Domicile certificate of child or of his/her parents.
 - (iii) Voter I-card of any of the parents
 - (iv) Electricity bill/ MTNL telephone bill / water bill / Passport in the name of any of the parents or child


7. District Admission Monitoring Committee: (a) There shall be a District Admission Monitoring Committee (DAMC) in each district and the concerned Dy. Director (Education), Directorate of Education, GNCTD, shall be the Chairperson of the DAMC, concerned Education Officers /Dy. Education Officers of Directorate of Education and concerned Education officer of MCD /NDMC/ Delhi Cantt. Board as the case may be shall be the member of DAMC
- (b) Any parent, aggrieved by the action of the school may file a complaint in writing to the DAMC, addressed to the concerned Dy. Director of Education (Chairperson).

- (c) The DAMC shall maintain the Register / database of grievances and will take immediate appropriate action for their redressal. The information shall also be made available on the website of the Directorate of Education by DAMC
 - (d) The DAMC shall prepare cluster /zone-wise vacancy data for free-seats and shall forward the names of children to schools where vacant seats are available, for admission against free-seats, following the principle of neighborhood school.
 - (e) The DAMC may call for the details from any school under its jurisdiction for ensuring the compliance of this order/notification.
 - (f) The DAMC shall establish a Help-Desk in the district office to help parents / guardians regarding admissions under free ship quota and other procedures, during office hours manned by two well-conversant officials of the District/Zone. The help desk shall be functional till the admission process is closed.
 - (g) The School shall file annual return in the prescribed proforma (Annexure-IV enclosed) to the DAMC of the concerned district regarding details of admissions made within 10 days of the closure of admission
8. The schools providing free and compulsory elementary education under Right of Children to Free and Compulsory Education Act, 2009 shall be reimbursed by the Government to the extent of per-child-expenditure incurred by the State Government and Local Authorities, or the actual amount charged from the child, whichever is less, as per section 12 (2) of RTE Act, 2009 :
- Provided further that where such school is already under any obligation to provide free education to a specified number of children, on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.
9. The school shall open separate bank account for reimbursement in a Scheduled Bank.

: 7:

10. The Director (Education), Government of National Capital Territory of Delhi may, if he is of opinion that in the interest of school education in Delhi, in general and in order to implement the provisions of this order in particular, it is necessary so to do, may issue instructions/guidelines /clarifications from time to time.

By Order and in the name of the
Lt. Governor of the National
Capital Territory of Delhi,


07-01-2011

(SURESH GUPTA)
Addl. Secretary of Education (Admn.)

(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE- EXTRAORDINARY)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
OLD SECRETARIAT, DELHI-110 054.

No. F.15 (172)/DE/Act-I/2010/ 20/09-20123

Dated: - 30/12/13

NOTIFICATION

No. F. 15(172)/DE/Act-I/2010 _____ :- In exercise of the powers conferred by sub-section (1) of section 3 of the Delhi School Education Act, 1973 (18 of 1973) read with rule 43 of the Delhi School Education Rules, 1973 and under the provisions of Right of Children to Free and Compulsory Education Act, 2009, the Lt. Governor of the National Capital Territory of Delhi hereby makes the following Order to amend the Delhi School Education (Free Seats for students belonging to Economically Weaker Sections and Disadvantaged Group) Order, 2011 published vide Notification No. 15(172)/DE/Act/2010/69 dated 07.01.2011 as amended up to date namely:-

1. Short title and commencement- (i) This Order may be called the Delhi School Education (Free Seats for students belonging to Economically Weaker Sections and Disadvantaged Group) Amendment Order, 2013.

(ii) It shall come into force with immediate effect.

2. In Clause 3 for sub-clause (a) and (aa), the following clauses shall be substituted, namely:-

(a) "All schools shall admit children, in class one to the extent of at least twenty-five percent of the strength of that class, from children belonging to weaker sections and disadvantaged groups in neighborhood and provide free and compulsory elementary education till its completion.

Provided that where such school imparts pre-school education, the provisions shall apply for admission to such pre-school education:

Notwithstanding supersession of order no. F.DE/15/ACT/2006/424 dated 25.01.2007 the school (including minority) which were allotted land by the government shall also admit children from economically weaker section in neighborhood to the extent of twenty percent in all fresh admissions made in other classes above the entry level in the same manner as provided in this Directorate's notification dated 07.01.2011.

Provided further that the above provisions of 20% admission shall also be applicable at entry level for minority schools which were allotted land by the government agency."

3 (a a)

"The students admitted to Economically Weaker Sections and Disadvantaged Group Category shall be entitled for free books, uniform and writing material etc. in terms of rule 8 of RTE rules, 2011 and such students are not required to pay for any kind of charges for these requirements."

3. After clause 3 (a a), new clauses (a b) and (a c) shall be inserted, namely:-

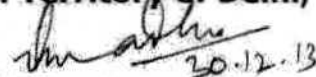
"3 (a b)

In view of the Hon'ble Supreme Court's judgment dated 12.04.2012 in WP (c) No. 95/2010 in the matter of Society for Unaided Private Schools of Rajasthan V/s Union of India & Anr., the provisions section 12 (1)(C) of RTE Act, 2009 shall not apply to unaided minority schools.

3 (a c)

In view of the Hon'ble Delhi High Court's Order dated 24.09.2012 and 04.12.2012 in WP (C) No. 6439/2011 in the matter of Mahipal Sawaria Vs Director (Education) and WP (C) No. 3715/2011 in the matter of Ashok Kumar Thakur Vs GNCTD & Ors, those minority schools, which have been allotted land by the Government agencies at concessional rates, shall admit children belonging to Economic Weaker Section Category under free seats to the extent of 20 % in terms of notification no.F.DE/15/Act/2006/424 dated 25.01.2007 and shall get reimbursement at par with students of the government schools for expenditure on account of uniform and books."

**By order and in the name of the
Lt. Governor of the National
Capital Territory of Delhi,**


20.12.13

**(Dr. MADHU RANI TEOTIA)
ADDITIONAL SECRETARY (EDUCATION)**

No.F.15(172)/DE/Act/2010/ 20109-20123 Dated :- 30/12/13

Copy to :-

1. Secretary, MHRD, Govt. of India.
2. Pr. Secretary to Lieutenant Governor, GNCT of Delhi.
3. Pr. Secretary to Chief Minister, GNCT of Delhi.
4. Secretary to Minister of Education, GNCT of Delhi.
5. OSD to Chief Secretary, GNCT of Delhi.
6. Secretary (Education), GNCT of Delhi.
7. Director (Education), GNCT of Delhi.
8. Director (Education), Municipal Corporation of Delhi.
9. Director (Education), New Delhi Municipal Council.
10. Chief Executive Officer, Delhi Cantonment Board.
11. Director, Directorate of Information and Publicity, GNCT of Delhi.
12. All Addl. Directors/RDEs/JDEs/DDEs/ADEs, Dte. of Education, GNCT of Delhi.
13. All Branches Incharges, Dte. of Education, GNCT of Delhi.
14. OS (IT) with the request to place it on the website of Directorate of Education.
15. Guard file.


30.12.13

**(Dr. MADHU RANI TEOTIA)
ADDITIONAL SECRETARY (EDUCATION)**

School Name & ID									
Details Of Admissions /Vacancy (2016-2017)									
Class		No. of Fresh Seats		No. of applications received		New Admissions given		Seats still vacant	
		1	2	3	4	5	6	7	8
		Fresh Seats Under Open/General Category	Fresh Seats under Free Ship Quota	For Fresh Seats Under Open/General Category	For Fresh Seats Under Freeship Quota	For Open/General seats: out of Column (1)	For Freeship Quota seats: out of Column (2)	Open/General seats: (Column 1 minus Column 5)	Freeship Quota seats: (Column 2 Minus Column 6)
Class-2nd									
Class-3rd									
Class-4th									
Class-5th									
Class-6th									
Class-7th									
Class-8th									
Class-9th									
Class-10th									
Class-11th	Humanities								
	Commerce								
	Science								
	Vocational								
Class-12th	Humanities								
	Commerce								
	Science								
	Vocational								
Grand Total									

* Every Fifth admission (4:1) shall be granted to EWS Student Under Free Ship Quota against Fresh Admission