

No. EDN-C-E (3) 12/2016

Date: 12-4-2023

6<sup>th</sup> March, 2023

NOTIFICATION

In the partial modification to this Department's notification no. EDN-C-A(3)-3 /2013- Vol.1-L dated 6.6.2015, the Governor of Himachal Pradesh is pleased to amend Annexure-A of "Guidelines for admission and reimbursement of Children under Section 12 of RTE Act" for 25% admission of children belonging to weaker section and disadvantaged group in private unaided schools in Himachal Pradesh as per provisions of RTE Act, 2009, in accordance with Hon'ble High Court's decision in CWP no. 355/2013 dated: 30.8.2016 and order dated: 11.1.2023 in CWP no. 3807/2022, is as under :-

Amendment in Point no.1  
of Guidelines.  
Amendment in Point no.2  
Amendment in Point no.4  
Amendment in Point no.5

The existing Clauses (a) & (b) are deleted.

Point no.2 is deleted.

The existing Clause (v) is deleted.

The existing Clause (v) is deleted.

Further, below point no.9 of Guidelines, new point no.10 is added consisting of following provisions :

(i) All aided and unaided private non majority schools to put notices on School Notice Boards in Hindi and English informing public at large about availability of number of seats for students belonging to weaker section and disadvantaged groups (minimum 25% of seats).

(ii) Such notices to be also pasted outside the premises of school so as to be accessible to public.

(iii) These notices be also pasted on prominent Municipal councils, different wards of Municipal Councils etc.

(iv) A period of minimum 30 days' time be given to such students/parents for submission of applications before start of admission.

(v) Such notices should be repeated atleast twice before start of academic session.

(vi) Block Primary Education Officers to supervise and submit report to respective District Education Officers on the issues of display of notices by the School and percentage of students admitted against these categories.

By order,

Dr. Abhishek Jain  
Secretary (Education) to the  
Government of Himachal Pradesh

Law

SF-64B

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In Reply  
17.4.23

Endst. No. as above, Dated, Shimla-171002 the 6-4-2023.

Copy for information to :-

1. Director, Higher Education H.P. Shimla-171001.
2. ✓ Director, Elementary Education H.P. Shimla-171001.
3. The State Project Director (SSA/RMSA), HP, Lalpani, Shimla-1.
4. The Controller, Printing & Stationary, HP Shimla-5 with request to publish in official Gazette of Govt. Of Himachal Pradesh.
5. The Deputy Secretary (Edu-D) to the Government of Himachal Pradesh, Shimla-2 w.r.t. CWP no. 355/2013 & CWP no. 3807/2022 - Namita Maniktala Vs State of H.P. for taking further immediate necessary action.

*Lalit*

(Lalit Vikram Gautam)  
Deputy Secretary( Ele. Education) to the  
Government of Himachal Pradesh.

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10-6-15

Gover. Himachal Pradesh  
Department of Elementary Education

No. EDN-C-A(3)-3/2013-Vol.-I-L Dated Shimla-171002, the 06-06-2015

NOTIFICATION

The Governor, Himachal Pradesh is pleased to notify guidelines per Annexure-A for 25% admission of children belonging to weaker section and disadvantaged group in private unaided schools in Himachal Pradesh in accordance with the provision of RTE Act, 2009 under section-12 and Rules there under.

Encls. Annexure-A

By order,

Addl. Chief Secretary (Education) to the Government of Himachal Pradesh

Endst. No. EDN-C-A(3)-3/2013-Vol.-I-L dated: Shimla-171002, the 06-06-2015

Copy forwarded to the followings for necessary action:-

1. The Director of Higher Education/ Director Elementary Education, HP Shimla-1.
2. The State Project Director (SSA/RMSA) HP Lalpani Shimla-1.
3. The Addl. Secretary (GAD) to the Government of H.P., Shimla-2 with reference to Cabinet decision taken on 27-05-2015 under item No. 31 for information.
4. The controller, Printing and Stationary, HP Shimla-5 with the request to publish in official gazette of Govt. of Himachal Pradesh.

The Under Secretary (Education-D) to the Government of H.P., Shimla-2 w.r.t. CWP No.355/2013-Namita Manikatala V/S State of H.P. for taking further immediate necessary action in the matter.

Deputy Secretary(Ele.Edu.)to the Government of Himachal Pradesh

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**Annexure-A**

**Guidelines for admission and reimbursement of children under Section 12 of RTE Act**

In pursuant to the Government notification No. EDN-C-F(10)-8/2009-L dated 16<sup>th</sup> March, 2013 regarding amendment in Rule-5 and further insertion of rules 5-A and 5-B in the Right of Children to Free and Compulsory Education Himachal Pradesh Rules, 2011, Guidelines for 25% admission of children belonging to weaker section and disadvantaged group in private unaided schools in Himachal Pradesh in accordance with the provisions of RTE Act, 2009 under section-12 and Rules are framed as under:-

**Definitions-** In these guidelines, unless the context otherwise requires:

- (a) "RTE Act" means the Right of Children to Free and Compulsory Education Act, 2009 as amended from time to time.
- (b) "Rules" means the Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2011 as amended from time to time.
- (c) "Class" includes the entry level class such as pre-primary.
- (d) "School" means a school as defined under sub-clauses (ii), (iii) and (iv) of clause (n) of section-2 which provide education up to elementary level.
- (e) "Neighbourhood" as defined in Rule 4(1) of the Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2011.

**1. Provisions for reservation of seats**

- (a) Admission process for 25% children belonging to weaker section and disadvantaged group as per the provisions of section-12 of RTE Act, 2009 and Rules made there under shall be initiated by the Government Primary schools and unaided private schools, if the neighborhood government school has the enrollment more than 25 children as per Rule 4(1) of the Rules.
- (b) In-Charge of neighbourhood Government Primary school shall issue NOC to the neighbourhood private school regarding 25% admission of children belonging to weaker section and disadvantaged group on or before 15<sup>th</sup> April after having been satisfied on clause 1(a) above.
- (c) These schools must be recognized by the competent authority of the Department of Elementary Education as per the provision of Rule 9.
- (d) Every recognized private school shall convey the class-wise breakup of approved seats and enrolment to their counterpart neighbourhood Government Primary schools during admission process on or before 31<sup>st</sup> March as per following format:-

| Primary      |                                |           |                     | Upper Primary |                                |           |                     |
|--------------|--------------------------------|-----------|---------------------|---------------|--------------------------------|-----------|---------------------|
| Classes      | Approved strength of the class | Enrolment | 25% Free Ship Seats | Classes       | Approved strength of the class | Enrolment | 25% Free Ship Seats |
| I            |                                |           |                     | VI            |                                |           |                     |
| II           |                                |           |                     | VII           |                                |           |                     |
| III          |                                |           |                     | VIII          |                                |           |                     |
| IV           |                                |           |                     |               |                                |           |                     |
| V            |                                |           |                     |               |                                |           |                     |
| <b>Total</b> |                                |           |                     | <b>Total</b>  |                                |           |                     |

Government is committed and obligated to provide a Govt. Primary School at a distance of 1.5 Km if the number of children are 25 and similarly committed to provide a Govt. Middle School at a distance of 3 Km if the number of children are not less than 40 in class 8<sup>th</sup>. As the State has already opened Government Primary Schools and Government Middle Schools at almost all places, reimbursement for 25% Children of weaker section and disadvantaged group admitted in the privately managed Schools shall be made if the enrolment of Children in Govt. Primary School situated within radial distance of 1.5 Km is not less than 25 Children and similarly enrolment in the Govt. Middle School within the radial distance of 3 Km is not less than 40 Children in class 8<sup>th</sup>. Enrolments of students will be taken into account as on 30<sup>th</sup> September of the year. For the purpose of this clause neighbourhood means:-

(i) a primary school which is located within a walking distance of 1.5 kms ( one and half a kilometers)

(ii) an upper-primary school which is located within a walking distance of 3kms( three kilometers).

The State Government shall not reimburse any amount if any student seat remains vacant in the neighbourhood Government School.

### 3. Manner of reservation of seats

(a) In accordance with the provisions of clause (3) of section-12 of the Act, every school shall display on its notice board, the following information:

(i) Total number of seats at the entry level in the school

(ii) Total number of free seats available at entry level

(iii) Date of commencement of issue of application forms for the admission and the last date of its submission

(iv) Date of eligible candidates list to be displayed for draw

(v) Date of draw of lots

(vi) Date of display of the list of successful candidates along with waiting list

(vii) Last date of admission

(viii) Opening date of the school for the next academic year

(b) Every school shall submit the information in **Form-1** after completing the entire process to the Block Elementary Education Officer in case of primary school.

(c) No registration fee, including charges of prospectus or admission format, shall be charged from the parents/children applying against free seats. The school shall provide Admission-Format on **Form-II** free of cost to parents/children.

(d) The School shall acknowledge the application for admission against free seats through a receipt in **Form-III** showing the details of serial no. 2 (a) (i) to (viii) and shall assign each application a distinct registration number.

(e) 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 parent/guardian.

(f) In case the number of application for admission against the free seats is less than the number of seats available other than at serial no. 1(a), admission shall be made from the available application and vacant seats shall be re-notified for inviting further application by following the similar procedure. If free seats still remain vacant, then these seats may be filled from the other categories.

(g) In case the number of application 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, a representative of School Management Committee and of a nominee of Education Department, not below the rank of Principal nominated by DDEE.

- 4.
- (h) The school shall furnish all such details as mentioned at serial no. 2 (a), (b), (c), (d), and (e) regarding free-ship seats on its website if available and also on official website [www.himachal.nic.in/eleedu](http://www.himachal.nic.in/eleedu) or [www.hp.gov.in/ssa](http://www.hp.gov.in/ssa) of Directorate of Elementary Education giving all details through the link provided by the department on the same day or latest by next day of the events. Unique ID shall be generated for every admitted child, which shall remain the same during the stay of the child in the school.

4. Documents required for admission of 25% children

- (i) Age proof certificate shall be accompanied as per Rule-8 and clarification on provisions under RTE Act issued by Government of India, Department of School Education and Literacy dated 31-01-2012.
- (ii) Every application for the admission of children belonging to weaker section and disadvantaged group other than disabled for the purpose of free ship seats shall be accompanied by a Below Poverty Line certificate (BPL) in the name of parent or child or guardian issued by the competent /authorized officer issued within last six months.
- (iii) Every application for the admission of child belonging to SC, ST and OBC shall be accompanied by a caste certificate in the name of child issued by the competent/ authorized officer.
- (iv) Every application for the admission of child belonging to persons with disabilities as per Person with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Rules, 1996 of Rule-4 shall be accompanied by a certificate in the name of child issued by the competent authority.
- (v) Every application for the admission of children belonging to weaker section and disadvantaged group below poverty line (BPL) other than disabled children shall be accompanied by a Certificate of neighbourhood as per clause 4 (1) of the Rules issued by the officers not below the rank of Naib-Tehsildar or Junior Engineer (PWD).

5. Procedure for fee reimbursement.

- (i) A school not receiving any kind of aid or grants to meet its expenses from the State Government or the local authority shall be entitled to get fee reimbursement for every child admitted against free seat as per the provisions of sub-section (2) of section-12 of the Act and Rules made there under.
- (ii) A school receiving aid or grant or any other facilities since its inception (like grant of land on lease) to meet whole or part of its expenses from the State Government or local Authority, shall not be entitled to any additional grant towards reimbursement under these Rules.
- (iii) Obtaining U-DISE code from the Sarva Shiksha Abhiyan is mandatory to become eligible for claiming fee reimbursement against free seats from the department.
- (iv) A half-yearly statement by the school under sub-section (2) of section-12 and Rules made there under, claiming fee reimbursement of children admitted against free seats on **Form-IV** shall be submitted to the Block Elementary Education Officer. The Block Elementary Education shall verify the fee reimbursement documents as per norms, and the same may be submitted to the Deputy Director of Elementary Education.
- (v) NOC from neighbourhood Government Primary School must be enclosed with the fee reimbursement claim bill as per clause 1(b) of guidelines.
- (vi) The authorized officer of the department on verification of the information so submitted and subject to the provisions contained in section-12 of the Act and Rules made under there, shall make the payment in two installment, as follows:

- = 5
- (73)
- (a) First installment of 50% due after September of the academic year.  
(b) Second installment due after March or close of the academic year, whichever is later:

Further provided that, fee reimbursement for the children admitted in the pre-school shall be admissible when such child is admitted in 1<sup>st</sup> class.

(vii) The school shall open separate bank account for fee reimbursement in a Scheduled Bank.

6. General Conditions

- (i) The Head of the school and all the members of the body owning the school shall be responsible for compliance of admission and the head of the school will verify the list of students and other documents, so admitted.
- (ii) Any Authorized Officer of Directorate of Elementary Education may verify such admission and may call details/records of such admission.
- (iii) Any parent, aggrieved by the action of the school may file a complaint in writing to the Deputy Director of Elementary Education.
- (iv) Above officer as mentioned in serial no. 5(iii) shall maintain the Register or database of the grievances and shall take immediate appropriate action for its redressal.
- (v) The Director of Elementary Education, Government of Himachal Pradesh, if he is of opinion that in the interest of school education in Himachal Pradesh, 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.
- Guidelines and format can be downloaded from the official website [www.himachal.nic.in/eleedu](http://www.himachal.nic.in/eleedu) or [www.hp.gov.in/ssa](http://www.hp.gov.in/ssa).

7. The expenditure regarding fee reimbursement of 25% admission of the weaker section and disadvantaged group to the unaided private managed schools shall be incurred from the following Budget Head:-

| Sr. No. | Demand No. | Head of Account .          |
|---------|------------|----------------------------|
| 1       | 08         | 2202-01-102-03(OC)SOON     |
| 2       | 32         | 2202-01-789-14(PLAN)       |
| 3       | 31         | 2202-01-796-18 SOON(PPLAN) |

8. The Deputy Director of Elementary Education of the concerned district will release the amount of 25% admission of the weaker section and disadvantaged group to the unaided private managed schools through RTGS after proper verification by the concerned Block Elementary Education Officer.

9. As far as the financial implication vis-à-vis fee reimbursement claim is concerned, the same would be submitted to the Government as per formulae in the Rules after collecting data from the field for approval before reimbursement is actually made.