

SCHOOL EDUCATION AND SPORTS DEPARTMENT

Hutatma Rajguru Chowk, Madam Cama Road,
Mantralaya, Mumbai 400 032.

Dated the 24th May, 2012,

NOTIFICATION

RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009.

No. PRE 2012/CR 74/PE 1. - Whereas the Government of Maharashtra considers it expedient to provide for the manner of reservation of seats for admission, in respect of elementary education, for the child belonging to disadvantaged group and child belonging to weaker section and for matters incidental thereto;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 38 read with clause (d) and (e) of section 2 and clause (f) of section 8, of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules for providing the manner of reservation of seats for admission, in respect of elementary education, for the child belonging to disadvantaged group and child belonging to weaker section and for matters incidental thereto, as follows, namely:-

1. Short title, application and duration.—These rules may be called the Maharashtra Right of Children to Free and Compulsory Education (manner of reservation of seats for admission, in respect of elementary education, for the child belonging to disadvantaged group and child belonging to weaker section) Rules, 2012.

(a) They shall apply for the academic year 2012-13 in respect of every elementary school in the State, except the schools established, owned or controlled by the state Government or a local authority:

(b) The provisions of these rules shall not apply to unaided minority schools.

2. Definitions.—In these rules, unless the context otherwise requires,-

(a) "Act" means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);

(b) "child belonging to disadvantaged group" means, a child belonging to,-

(i) the Scheduled Caste, the Schedule Tribe; and

(ii) any other category as is specified to be a group by the State Government for the purposes of section 2 (d) of the Act;

(c) "child belonging to weaker section" means a child including a child belonging to the *Vimukta Jatis* and Nomadic Tribes (VJNT), Other Backward Classes (OBC) and Special Backward Classes (SBC) and the religious Minorities specified by the State Government, and annual income of whose parent or guardian is below one lakh rupees;

(d) "Education Officer" means the District Education Officer (Primary) of the District;

(e) "Form" means the form appended to these rules;

(f) "school" means elementary school;

(g) "section" means section of the Act;

(h) words and expressions used but not defined herein shall have their respective meanings as assigned to them in the Act and the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 published by the State Government *vide* Government Notification, School Education and Sports Department, No. PRE- 2010/ C.R. 211(B) P.E.-1, dated the 11th October 2011.

3. Provisions for reservation of seats.—Every school in the State shall reserve the seats for admission, to the extent of twenty five percent of its strength of the Class I of the School, for the child belonging to weaker section and child belonging to disadvantaged group in the neighborhood in the manner hereinafter provided and shall provide free and compulsory education to such children till their completion:

Provided that, preference shall be given to the girl child:

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

Provided also that, the total number of seats at the entry level or Class-I, as the case may be, shall not be less than the total number of seats in any other class of the school.

4. Manner of reservation of seats.—(a) In accordance with the provisions of sub-section (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) the date of commencement of issue of application forms for the admission and the last date of its submission;

(iv) the date of display of list of eligible candidates for draw;

(v) the date of draw of lots;

(vi) date of display of the list of successful candidates;

(vii) date of display of waiting list;

(viii) last date of admission ;

(ix) date of opening of the School for the next academic year.

(b) Every school shall submit the information specified in sub-rule (1) in Form -1, to the Education Officer before 31st May 2012 and shall complete the entire process before 10th June 2012.

(c) The application for free seat under rule 3, shall be made in Form-2.

(d) Every school shall provide the form free of cost to parent or the child seeking admission against the free seat.

Note.—The application form is available on the web-site www.mpsp.org.in. The Parents may download the form and submit to the school concerned.

(e) (i) Every application for the admission of child belonging to weaker section for the purpose of free and compulsory education shall be accompanied by an income certificate of parent, issued by the Revenue officer not below the rank of Tehsildar.

(ii) Every application for the admission of child belonging to SC, ST, VJNT, OBC, and SBC shall be accompanied a caste certificate issued by a revenue officer not below the rank of Deputy Collector or any other competent authority, in the name of child or his parent or guardian;

(f) Every such application shall be accompanied by a proof of residence of the child or parent or guardian, such as, Aadhar Card or Passport or Election Photo Identity Card or Electricity bill or Telephone bill or Water bill or a House tax receipt.

(g) No registration fee including cost of the prospectus, tuition fee or any other charges or fund shall be charged from the parent or child admitted against the free seat.

(h) The School shall acknowledge, the application for admission against free seats through a receipt in Form- 3 showing the details at clauses (i) to (ix) of sub-rule (a) and shall assign each application a distinct registration number.

(i) 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 in writing, under intimation to the Education Officer within a period of three days from date of such rejection.

(j) In case the number of applications for admission against the free seats at entry level class exceeds the number of free seats available, admission shall be made by draw of lots in the presence of at least three members, one of whom shall be a representative of the Parent and Teacher Association; one nominee of the management of the school; and a nominee of the Education Officer.

(k) The Education Officer may direct the school to video graph the entire process.

(l) List of children admitted in the first list along with waiting list shall be displayed on the notice board of the school on the scheduled date as per clauses (vi) and (vii) of sub-rule (a). The School shall display the list of children to be admitted, under free and general category, commonly in alphabetic order indicating (G) against general category children.

(m) 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 by following the similar procedure.

(n) The school shall admit the children in accordance with the procedure above.

5. General conditions.—(a) The management of the school shall designate an officer not below the rank of Head of the school or the Principal to be the authority responsible for admissions. The officer so designated shall be responsible for compliance of these rules and for verification of the list of students and other documents, so admitted:

Provided that, if no such officer is designated by the management, Chairman and the Secretary of the management, by whatever designation called, alongwith the Head of the school or the Principal shall be jointly and severally responsible for the action as stipulated in section 13 (2) (b) of the Act.

(b) No screening procedure, that is to say, interview, counseling, written or oral test of any kind for the parents or guardian or the child shall be conducted for the purpose of admission.

(c) The officer responsible for the admission process under sub-rule (a) or the Chairman and the Secretary of the management of the school, as the case may be, shall be jointly and severally liable for action as stipulated in section 13 (2) (b) of the Act.

(d) The Education Officer or any officer authorized by him shall verify such admissions and may call for details/records of such admissions from the school.

(e) Free and compulsory education shall continue to be extended to each student admitted under the free seats till such child completes elementary education in the school.

6. Monitoring of Admission.—(a) Education Officer of the district shall monitor the admission process.

(b) Any parent, aggrieved by the action of the school may file a complaint in writing to the Education Officer.

(c) The Education Officer shall maintain the Register or database of the grievances and shall take immediate appropriate action for its redressal.

(d) The Education Officer may call for the details from any school under his jurisdiction for ensuring the compliance of these rules.

(e) The School, shall, within ten days of the closure of admission file a return in the prescribed Form- 4, to the Education Officer.

7. *Procedure for reimbursement.*—(a) An unaided 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 reimbursement of the expenditure for every child admitted on the free seat as per provisions of sub-section (2) of section 12 of the Act and under rule 3 of these rules.

(b) A school receiving aid or grants to meet whole or part of its expenses from the State Government or a local authority, shall not be entitled to any additional grant towards reimbursement under these rules.

(c) The School shall immediately within seven days of the date of opening of school in the academic year, intimate to the Education officer, about the number of children admitted in the entry level class as per provisions of sub-section (2) of section 12 of the Act.

(d) A quarterly statement of the attendance of the child so admitted shall be submitted to the Education Officer in Form- 5.

(e) The Education Officer on verification of the information so submitted and subject to the provisions made in section 12 of the Act and rules made thereunder, shall make the payment in two installment, as follows:-

(i) The first installment due after 30th October of the academic year.

(ii) The second installment due after 30th April or close of the academic year, whichever is later:

Provided that, where such school is already under 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:

Provided further that, reimbursement for the children admitted in the pre-school shall be admissible when such child is admitted in class I.

(f) The School shall provide any other information which may be required from it by the Education Officer.

Form - 1

**Form for Admission against free seats in Entry Level
classes for Academic Year 2012 - 13**

[See rule 4(b)]

Name of the School :

Address :

Telephone Number Fax

Name of Principal / Official in-charge of Admission :

Sr. No.	Particulars	
1	Total number of seats available	General seats:- Free Seats: (At least 25% of total Seats)
2	Date of issue of Admission forms	
3	Last date of issue of Admission forms	
4	Period of Submission of Admission forms.	From : To : Time :
5	Date of display of list of eligible candidates for draw of lots	Date : Time :
6	Date of draw of lots (if number of applications are more than the number of free seats)	Date : Time :
7	Date of display of list of successful candidates in the draw of lots along with waiting list	Date : Time :
8	Last date of admission	
9	Date of commencement of academic year	

Signature of the Principal/Head of the institution.

Form - 2**Application Form for the Admission under Free Ship Quota**

[See rule 4(c)]

Name of the School :

Address :

Telephone Number Fax

Name of Principal/ Official in-charge of Admission :

Registration Number A Weaker Section (To be filled by the school) B Disadvantaged group

(Please Tick whichever is applicable)

Sr. No.	Particulars
1	Name of the Child
2	Name of Parents Mother ; Father :
3	Residential Address
4	Proof of residential address
5	Profession of Parents Mother : Father :
6	Total annual income of Parents from all sources
7	Proof of income enclosed
8	Proof of disadvantaged group

Declaration by the Parents

I: (Name) father/mother of (name of the Child) hereby declare that the information mentioned above is true and correct to the best of my knowledge and belief. I have read and understood all the provisions of the notification in this regard. I am fully aware that in case any information found false or incorrect on verification, the admission of my ward may be cancelled.

Dated

Signature of the Parent/s.

Form - 3

Registration Slip (to be issued to Parents)

[See rule 4(h)]

Name of the School :

Address :

Telephone Number Fax

Name of Principal/ Official in-charge of Admission :

Application of (Name of the Child)

S/o / D/o is received on (date)

Registration Number :

A Disadvantaged Group

<input type="text"/>
<input type="text"/>

B Weaker Section

(a) Date of draw of lots (if required) :

(b) Date of Display of eligible candidate for Draw/Lottery :

(c) Date & Display of successful candidate alongwith waiting list :

(d) Last date of Admission :

Signature of the Principal/Head of the institution.

Form - 4**Return to be submitted to the Education
Officer after completion of admission process**

[See rule 6(e)]

Name of the School :

Address :

Telephone Number Fax

Name of Principal/ Official in-charge of Admission :

Total No. of Seats in entry level class

Total No. of free seats

Admissions against free seats for the
year
2012-13

Number of free seats remained vacant

Remarks

Signature of the Principal/Head of the School.

Form-5

**Quarterly Statement of the attendance of the
children admitted on the free seats**

[See rule 7(d)]

Period : **From** **To**

Name of the School :

Address :

Telephone Number Fax

Name of Principal/ Official in-charge of Admission :

Total number of school days during the period

Sr.No	Name of the Student	Number of school days attended	Remarks
1			
2			
3			
4 and so on			

Signature of the Principal/Head of the School.

By order and in the name of the Governor of Maharashtra,

J. S. SAHARIA,
Additional Chief Secretary to Government.