



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ५, अंक ३]

शुक्रवार, मार्च १५, २०१३/फाल्गुन २४, शके १९३४

[पृष्ठे १०, किंमत : रुपये २५.००

असाधारण क्रमांक ३२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांन्वयतिरिक्त) नियम व आदेश.

SCHOOL EDUCATION AND SPORTS DEPARTMENT

Hutatma Rajguru Chowk, Madam Cama Road, Mantralaya, Mumbai 400 032,
dated the 15th March 2013.

NOTIFICATION

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

No.PRE-2012/CR-112/PE-1.—Whereas, the Government of India has enacted The Right of Children to Free and Compulsory Education Act, 2009, (35 of 2009), (hereinafter called 'the Act'), Amendment Act 2012, (30 of 2012) and Government of Maharashtra has framed Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 there under and ;

Whereas, section 3 provides that “ every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education, and.....)”

Whereas, section 12 (1) (c) of the Act provides that “schools specified in sub clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty five percent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to ((c) shall apply for admission to such pre-school)”

In pursuance to above, Government of Maharashtra considers it expedient to provide for procedure for admission in class I or Pre-school for at least 25% of the strength of that class at the entry level for the children belonging to disadvantaged group and weaker section and for matters incidental thereto; and

Therefore now, Government of Maharashtra, in exercise of the powers conferred by sub-section (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, hereby makes the following rules :—

1. These rules may be called the “ Maharashtra Right of Children to Free and Compulsory Education (Manner of admission of Minimum 25% children in Class I or Pre-school at the entry level for the children belonging to disadvantaged group and weaker section) Rules 2013 ” :—

1.1 They shall apply to all schools in the State covered by Section 2(n) (iii) and (iv) as specified in section 12 (1) (c) of Right of Children to Free and Compulsory Education Act 2009 and Amendment Act, 2012 (30 of 2012) imparting education of class I or Pre-school at the entry level from the Academic year 2013-14 except following :—

(a) Unaided minority schools ; and

(b) Madrasas, Vedic Pathshalas and Educational Institutions primarily imparting religious instruction.

2. *Definitions.*— As per the Act but for the following :—

(a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009); and Right of Children to Free and Compulsory Education (Amendment) Act, 2012 (30 of 2012)

(b) “child belonging to disadvantaged group” means, a child belonging to,—

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

(ii) Child with disability; defined in section 3 and 4 of Amended Act, 2012.

(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, annual income of whose parent or guardian is below one lakh rupees;

(d) “Education Officer” means District Education Officer (Primary) of the concerned Zilla Parishad, in respect of all the schools in the State except Greater Mumbai Municipal Corporation area and concerned Education Inspector in respect of Schools in Greater Mumbai Municipal Corporation Areas;

(e) “Elementary Education” means the education from first class to eight classes. (1st to 5th lower primary and 6th to 8th upper primary);

(f) Admission Committee (for giving effect to at least 25% admission) headed by the principal of the concerned school consisting of : one representative of parents from the School Management Committee; one nominee of the management of the school; and one nominee of the Education Officer;

(g) “Form” means the form appended to these rules.

3. Procedure to be followed by school :—

3.1 Every school shall publish a notice (Form- I) accessible to the public, well before the start of the admission process of the concerned academic session for giving effect to above mentioned at least 25% admission at the entry level. This shall include :—

(i) Total number of seats available in class I or pre- school at the entry level in the school ;

(ii) Seats available out of (i) above for disadvantaged group and weaker section (at least 25%);

(iii) Dates (from-to) during which application forms will be issued to children belonging to disadvantaged group and weaker section;

(iv) Dates (from-to) during which application forms from children belonging to disadvantaged group and weaker section shall be received/ collected;

(v) Dates on which Admission Committee shall meet to scrutinize the applications of eligible children.

(vi) In case of less eligible applications than the 25% seats, further dates for publicity, additional time for children to apply, meeting of Admission Committee etc.

(vii) In case of eligible applications more than the 25% seats (meant for disadvantaged group and weaker section) date for draw of lottery.

(viii) Dates of publishing the lists of children selected for admission along with the waiting list in the school.

3.2 Every school shall give wide publicity to the above notice in the neighbourhood area through the appropriate means like loud speaker, pamphlets, local T.V., website, public announcement (Dawandi) etc.

3.3 School shall make all efforts (like publicity, house to house survey, checking the birth records of Municipal authorities/ Village Panchayats etc.) to identify the children belonging to disadvantaged group and weaker section in the neighbourhood (upto 1 k.m.) area of the school. In case sufficient children are not available within 1 k. m. in spite of all the efforts and Admission Committee is satisfied, then the school shall try to identify children from the extended neighborhood (upto 3 k. m.). In any case seats meant for the children from disadvantaged group and weaker section shall not be diverted to general candidate.

3.4 Schools shall ensure that the entire process of admission is transparent, unbiased, fair and equitable. Since law intends to provide admission to those children who would otherwise have not got admission in the said school, schools shall not try to show against these 25 percent children already admitted or who otherwise would have got admission.

3.5 It shall be the responsibility of the school to find out children of disadvantaged group and weaker section within the neighbourhood and extended neighbourhood area of the school and ensure their admission.

3.6 Preference will be given to girl child while giving admission under these rules.

4. Children seeking admission under these Rules shall apply to the school of their choice in their neighbourhood in Form-II, within the prescribed period that shall not be less than 15 days from the date of publication of notice by the said school.

5. School shall provide the application form to all the children free of cost. Application form can also be downloaded from the website www.mpsp.maharashtra.gov.in,

6. *Certificates to be accompanied.*— Every application made by children seeking admission must be accompanied with the suitable certificates as mentioned below towards their claim for disadvantaged group and weaker section :—

(a) Birth Certificate.

(b) Income certificate issued by the Revenue officer not below the rank of Tahsildar ;

(c) Caste certificate issued by concerned Sub Divisional Officer (Revenue) or Deputy Collector, in the name of child or his parent ;

(d) For disabled children (CWSN) disability certificate issued by Civil Surgeon/ Superintendent of Government notified hospitals having disability more than 40 percent;

(e) Proof of residence.— any one of the following in order of priority — UID Aadhar Card, Passport, Election Photo Identity Card, Electricity bill, Telephone bill ,Water bill, a house tax receipt, driving license issued by the competent authority in the name of the parents/ guardians.

7. *Fees.*— 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.

8. *Acknowledgement.*—School shall issue individual receipts in Form-III to acknowledge the applications.

9. *Communication of rejected application.*— Reasons for rejecting an application shall be recorded and communicated to the parents or guardian in writing within a period of three days after the decision of Admission Committee.

10. *General conditions* :— (a) The management of the school shall designate an officer not below the rank of Head of the School or the Principal as responsible officer for admission process :

provided that, if no such officer is designated by the management, then the Chairman and the Secretary of the management by whatever designation called, along with the Head of the School or the Principal shall be jointly and severally responsible ;

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

(c) The lottery process for admissions must be carried out in the presence of admission committee, after which prescribed Form-IV shall be signed by the members of admission committee jointly. This form shall be mandatory for reimbursement of fees and must be submitted along with prescribed Form-V to the concerned authorities ;

(d) The Education Officer or any officer authorized by him shall verify such admissions and may call for detailed records etc., as the case may be ;

(e) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children ;

(f) The school referred to in clause (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and Information Communication and Technology (ICT) facilities, extra-curricular and sports etc ;

(g) The school shall provide any other information which may be required by the Education Officer from time to time.

11. *Monitoring of Admission.*—Education Officer shall monitor the entire admission process in his jurisdiction.

12. *Procedure for reimbursement.*—(a) Schools shall provide free education to all children admitted under these rules till the completion of their elementary education ;

(b) Such schools as provide admission as per these Rules shall only be eligible for reimbursement of their expenses as per Section 12(2) of the Act. No other reimbursement shall be eligible including admission in any pre-school classes ;

(c) Schools shall submit their claims for reimbursement (Form-V) to the concerned Education Officer in two installments :—

(i) 1st installment.— After the start of the academic year (once the admission procedure is over) but latest by September 30th. Claim for 1st installment must be accompanied with a declaration by the school that (a) full, proper , and transparent procedure (as per the Act and Rules) was followed in the presence of the members of the Admission Committee including nominee of the Education Officer, and (b) these children would have not got admission but for the provisions of the Act ;

(ii) 2nd installment: After the completion of the academic year say by 30th May. Claim for the 2nd installment must be accompanied with a declaration from the school that all children admitted under these Rules have completed the academic year successfully and have been promoted and given admission to the next higher class in the same school.

(d) Education Officer on his satisfaction about the correctness of the information submitted by the school and the fulfillment of the conditions of the Act and Rules there under shall submit the claim of eligible amount for the eligible period as per the Act etc. within one month of the receipt of the respective claims to the Director of Education (Primary) for further action.

(e) Schools not following due procedure laid down in these rules will not be eligible for reimbursement besides other actions as per the Act.

(f) If the claim for reimbursement is found to be fraudulent, incorrect, or improper etc. police case will be registered against the school.

13. *Grievances and redressal.*—

(a) Any parent or guardian aggrieved by the action of the school may file a complaint in writing to the Education Officer/State Commission for Protection of Child Rights.

(b) The Education Officer shall maintain the Register or database of the grievances and shall take immediate appropriate action and communicate to the applicant within eight days from receipt of the grievance.

FORM-I (Rule 3.1)

(Notice to be published and displayed by the school)

Academic Year _____

1. Name of the School : _____ UDISE Code

--	--	--	--	--	--	--	--

Address : _____

Telephone Number : _____ Fax : _____

Name of Principal/Official in-charge of Admission : _____

Mobile Number : _____

Telephone No. (Office) : _____ Email Id : _____

Date of Commencement of academic year : _____

2.

Sr. No.	Particulars			
(1)	(2)			
i	Total Number of seats at entry level i. e .class I/ pre school	Total seats : <table border="1"><tr><td></td><td></td></tr></table>		
ii	Seats available out of (i) above for children belonging to disadvantaged and weaker section (at least 25%)	Total seats : <table border="1"><tr><td></td><td></td></tr></table>		
iii	Date for issuance of application forms.	From _____ to _____		
iv	Date /s for receipt /collection of application forms.	From _____ to _____		
v	Date/s of meeting of Admission Committee	Date _____ Time _____		
vi	Date/s of display of list of selected candidates for the draw of lots along with waiting list	Date _____ Time _____		
vii	Dates of Draw of lots	Date _____ Time _____		
viii	Date of admission	From _____ to _____		
ix	Date/s of display of list of admitted students.	Date _____ Time _____		

Signature of the Principal/
Head of the institution.

FORM -II (Rule 4)

Application Form to be submitted by the parent or guardian

1. Name of the School : _____ UDISE Code : _____
2. Name of the child seeking admission : _____
 Name of Parents :—
 Mother : _____
 Father : _____
 Profession of parents :—
 Mother : _____ Father : _____
 Annual Income from all sources-Rs. : _____
3. Residential Address :-

 Pin Code : _____
 Telephone /mobile No. : _____
4. Religion : _____ Caste : _____
5. Certificates enclosed (for the children/parents) :—
 (i) Date of Birth : _____
 (ii) Income : _____
 (iii) Caste : _____
 (iv) Disability : _____
 (v) Proof of Residence : _____

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 Act, Rules and Notification in this regard. I am fully aware that in case any information is found fraudulent, incorrect or improper etc. on verification, the admission of my ward may be cancelled.

Date :

Signature of the Parent/Guardian.

FORM-III (Rule 8)

Acknowledgement for the receipt of application and documents.

(to be issued by school)

1. Name of the School : _____ UDISE Code : _____
Address and Telephone and Fax No. of the School : _____

2. Name of the child seeking admission : _____
Address : _____
3. Registration Number: _____ Date of application : _____
A) Disadvantaged group caste: _____ B) Weaker Section income : _____
C) Disability Type: _____
4. Acknowledgement of documents :—
(i) Birth Certificate (iii) Caste Certificate
(ii) Income Certificate (iv) Disability Certificate (v) Residence proof Certificate
5. (i) Date of draw of lots (if required) : _____
(ii) Date of Display of eligible candidate for Draw/Lottery : _____
(iii) Date and Display of selected candidate along with waiting list : _____
(iv) Date of Admission: From _____ to _____.

Signature of the Principal / Head of the institution.

Result of Draw of Lottery held on -----in the presence of Admission Committee.

[illegible]

We the members of Admission Committee of _____ (name of the School) hereby certify that the draw of lottery was held on dated _____ in our presence and above cited children are selected for admission under 25 % quota.

(Principal of concerned School)

(Member of the Management)

FORM – V [Rule 12(2)]

Application for claim of reimbursement (1st Installment)

Academic year : _____

(To be submitted before September 30th)

1. Name of the School : _____ UDISE Code : _____
Address : _____

Telephone Number : _____ Fax : _____
Name of Principal/Official in-charge of Admission : _____
2. (i) Total No. of Seats at entry level class I/ Pre-school : _____
(ii) Total No. of Seats available out of (i) above for disadvantaged group and weaker section (at least 25%) : _____ .
3. Number of children admitted from eligible disadvantaged group and weaker section _____
4. (i) Claim for first installment for _____ (Number of children).
(ii) Rate of claim Rs. _____ /-per child admitted.
(iii) Total Claim made Rs. _____ .
(iv) Fees charged from regular children Rs. _____ /-(submit relevant proof).
5. I hereby certify that,
(a) Full, proper and transparent procedure as per the Act, Rule and Notification was followed in the presence of the members of the Admission Committee including nominee of the Education Officer.
(b) These children would have not got admission but for the provisions of the Act.
6. I am aware that legal action will be taken against me/school, if the reimbursement claim made herein is found to be fraudulent, incorrect or improper etc.

Signature of the Principal / Head of the School.

FORM – V [Rule 12(2)]

Application for claim of reimbursement (2nd Installment)

Academic year : _____

(To be submitted before May 30th)

2. Name of the School : _____ UDISE Code : _____

Address : _____

Telephone Number : _____ Fax : _____

Name of Principal/Official in-charge of Admission : _____

3. (i) Total No. of Seats at entry level class I/ Pre-school : _____

(ii) Total No. of Seats available out of (i) above for disadvantaged group and weaker section (at least 25%) : _____

(iii) Number of children admitted from eligible disadvantaged group and weaker section —

4. (i) Date and amount of Claim made for 1st installment : _____

(ii) Whether approved by Government or not : _____

(iii) If not, reasons thereof : _____

5. Claim for 2nd Installment—

(i) Number of Children : _____

(ii) Rate of reimbursement claim Rs. _____ /- per child.

(iii) Total claim Rs. : _____

(iv) Fees charged from regular children Rs. _____ (submit relevant proof).

6. I hereby certify that,

All children (_____ number) admitted under these rule have completed the academic year successfully and have been promoted and given admission to the next higher class in the same school and claim made for reimbursement is as per provisions of the Act, Rules and Notification.

7. I am aware that legal action will be taken against me/school, if the reimbursement claim made herein is found to be fraudulent, incorrect or improper etc.

Signature of the Principal / Head of the institution.

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

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