



GOVT OF ODISHA
SCHOOL AND MASS EDUCATION DEPARTMENT

No. 9317 / Dated 19.09.16

Ranjana Chopra, I.A.S,
Commissioner – cum - Secretary to Govt

To,

All Collectors & Chairpersons,
Sarva Shiksha Abhiyan - RTE, Odisha

**Sub: Guidelines for admission in Private Un-aided and specified category
Schools against 25% quota under the RTE Act, 2009 (Section 12. 1. C)**

Madam/Sir,

In inviting a reference to the subject cited above, I am to say that clarification has been sought for from various quarters regarding procedure of admission under 12.1.c. of the Right of children to free & compulsory education (RTE) Act, 2009.

There have been misgivings among certain groups about the admission of children from disadvantaged groups and weaker sections in Private Unaided Schools. In this context, it is important to refer to the Statement of Objects and Reasons (SOR) attached to the Right of Children to Free and Compulsory Education Bill, 2008, which states:

The Right of Children to Free and Compulsory Education Bill, 2008, is anchored in the belief that the values of equality, social justice, democracy and the creation of a just and humane society can be achieved only through provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is, therefore, not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.

Therefore, it is the need of time to issue a comprehensive guideline clarifying matters associated with the admission procedure in private un-aided and specified category schools under section 12 (1.c) of the RTE Act, 2009 is given as follows.

1. Type of schools eligible for admission under section 12.1 of the RTE Act

- All Govt schools will provide free & compulsory education to all children at elementary (Class – I to VIII) level. All Govt schools shall function as neighbourhood school for all those children who are interested to take admission in Govt schools.
- All Aided schools shall function as neighbourhood school and take free admission up to the extent of such annual Aid/ grant, subject to minimum 25% of the entry class (Class – I or Pre-primary as the case may be).
- All Private un-aided schools (received No Objection Certificate / Certificate of recognition under the RTE Act, 2009 from State Govt) & Specified category schools (Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik Schools etc) vide Section 2.n. (iii & iv) of the RTE Act, 2009 shall admit, in the entry class (Class – I or Pre-primary as the case may be) to the extent of at least 25% 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 (Section 12.1.c of the RTE Act, 2009).
- Private un-aided or specified category schools shall function as neighborhood school for those children who would take admission under 25% quota within the neighbourhood distance. It has also since been clarified that residential private unaided schools, which do not start at class I, would not be required to admit 25% children from disadvantaged groups and weaker sections in their schools.
- Residential schools (boarders) are not coming under the 25% quota of admission. Day scholars are eligible for the provision under 25% of admission. Neighbourhood criterion is applied in case of day scholar only in



residential school. Provision of section 12.1.c is not applied in the residential school which starts admitting children at class higher than class-I.

- Minority schools, received certificate from competent authority (State/ Central Govt) are not subject to the provision under 25% admission as per 12.1.c of the RTE Act, 2009.

2. Eligible Children to take admission under section 12.1.c of the RTE Act

- All children (6-14 years) have the right to free & compulsory education in a neighbourhood school till completion of elementary education (Sec 3.1).
- In a private un-aided and specified category school, 25% of the strength of enrolment in class-I or pre-primary would be meant for children belonging to disadvantaged group & weaker sections.
- Children belonging to the neighbourhood distance (1 K.M. in case of primary) have the right to take admission in the Private Un-aided school under 25% quota. If seats remained vacant because of the non-availability of eligible (disadvantaged group & weaker sections) children then the school can take eligible children (disadvantaged group & weaker sections) from the habitation situated beyond the neighbourhood distance.
- Children are free to apply, as per their choice, in any private un-aided, Aided, specified category or Govt schools for the purpose of taking admission under the RTE Act, 2009.
- With regard to admission of children in class I (or Pre- Primary class as the case may be) under section 12 (1.c) of the RTE Act, Un-Aided & Specified category schools, children belonging to disadvantaged group & Weaker section is defined as follows.
 - a. Out of 25%, 15% seats to be filled up by children belonging to disadvantaged group & 10% of the seats to be filled up by children belonging to weaker section.
 - b. Out of 15% of disadvantaged group seats , 10% seats will be reserved for children belonging to SC, ST & SEBC categories & 5% will be reserved for the children without any home & settled place, ostensible

means of subsistence, found begging, child labour, street child, children with special needs, children in a foster care, children of manual scavengers, migrants, construction worker, road workers, children of landless agricultural labour, child of war martyr/ war widow & HIV affected & infected children.

- c. 10% of the seats to be reserved for children whose parents are belonging to BPL category/ card holders of different Poverty Elimination programmes of Govt.
- d. In case of non-availability of children belonging to any of the above two categories, there shall be interchange of seats among different groups.
- If there are no children applied or available for taking admission under the 25% quota, then the school will give a self-declaration on the no. of seats remain vacant after giving admission to all eligible children and the admission time is over, still then vacancy seats under 25% quota in class-I or Pre-primary class would be remain so for the same academic year as eligible children may come at any time of the academic year and they cannot be denied admission (section-15 of the RTE Act may be read with State Rule 12. 2).

3. Process of admission to be followed by private un-aided schools

- Schools shall display information pertaining to their admission process on their notice boards as well as in the local News Paper at least 30 days before the commencement of the admission process. This include the following.
 - a. Details of fees, including its purpose, break up, periodicity categorization as refundable, non-refundable & payment deadlines. Schools are not allowed to charge any fees (Capitation fee) other than the fees notified before the commencement of application process at any time during or after admission process.
 - b. Number of seats available in each class & category, including total number of seats available at entry level & total number of free seats for children belonging to weaker section & disadvantage group at entry level (as mandated under section 12(1.c) of the RTE Act, 2009.



- c. Admission criteria for determining which class a student would belong to if the child studies are interrupted (in accordance with section 4 of the RTE Act, 2009 i.e. age appropriate admission).
 - d. Stepwise process of admission & deadlines, including the date of issue of application forms, the date of display of list of eligible candidates, the dates of draw of lots, the date of display of list of successful candidates, the date of display of waiting list, the last date of admission, the date of opening of school for the next academic year & other relevant deadlines.
 - e. Facilities available in schools (in accordance with the schedule/ norm under the RTE Act, 2009, attached herewith).
- Children will be selected through lottery in presence of BEO/representative of BEO, if application no. is more than the no. of seats available under 25% quota in the school. Screening procedure is not allowed. (Sec 13.1 of Act)
 - For admission to the remaining 75% of the seats or a lesser percentage depending upon the number of seats fixed by the school for admission under section 12(1.c) of the Act, in respect of private Un- Aided schools/specified category schools, each school would formulate a policy by which admissions are to take place. The policy should include criteria for categorization of applicants in terms of the objectives of the school on a rational, reasonable & just basis. There shall be no profiling of the child based on parental educational qualifications. The policy should be placed in the school prospectus. There shall be no test & interviews for any child /parent failing within or outside the categories & selection would be on random basis.
 - Parents are required to apply in a form attached herewith by providing all information to the school for seeking admission for their children.
 - Parents will be communicated the date of lottery so that they remain present at the time of the lottery.

4. Procedure of Reimbursement under section 12.2 of the Act & Rule - 10

- After admission of children under 25% quotas, Private school management to apply to the Block Education Officer (BEO) for reimbursement in Form No- "A" (triplicate) as attached herewith with all necessary information.
- Claim for reimbursement pertaining to one academic year shall be made in the next year.



- The application form (Form No. – A) shall accompany with the following documents.
 - U-DISE code as to be provided by BEO.
 - Evidence showing admission of 25% of children belonging to weaker section & disadvantaged group. (Copy of admission register duly attested by a Gazetted officer to be enclosed)
 - Evidence showing that such children belong to weaker section & disadvantaged group. (Attested copy BPL Card, Income Certificate, Caste Certificate, Govt Poverty Elimination programme issued by Govt agency to be enclosed)
 - Expenditure incurred by the school for the children belonging to Weaker Section & disadvantaged group against 25% strength under recurring head like teacher salary, MDM, books, evaluation, projects etc).
 - Amount of salary paid to the teaching & non-teaching staff of the school as a whole.
 - No of teachers engaged for teaching in Elementary classes.
 - Whether such engagements are as per norms & standards specified in the schedule of the Act.
 - Name of the Teacher(s) with qualification (in separate sheet)
 - Amount paid to each teacher per month with copy of the acquaintance roll in separate sheet (salary slip or proof of credit to their Bank Account Number)
 - Per child monthly/ annual fees charged by the school with details of the charges (Fees under each unit for each class to be specified).
 - Per child expenditure incurred by school (expenditure incurred by the school for the disadvantaged group and economically weaker section divided by the no. of such children admitted in the year concerned)
 - Separate Bank Account number for the amount towards reimbursement.
- BEO to prepare a consolidation sheet (abstract & school wise) after inspection through field visit to schools & submit to DEO.
- BEO to notify the school wise expenditure in its display board for public information & maintaining transparency.



- DEO to prepare a consolidation (Abstract & school wise information) report after taking BEO level reports & if necessary, DEO would visit some schools on sample basis before the recommendation to DEE.
- After consolidation & necessary scrutiny, DEO will submit the consolidated sheet to Collector & CEO, ZP for approval.
- After obtaining approval from Collector & CEO, Zilla Parishad, DEO will send the approved consolidated sheet (Abstract & school wise information) to the Director, Elementary Education. DPC, SSA would provide necessary logistic and mobility support for the purpose.
- After receiving proposals from DEOs, DEE to consolidate in Form No-“B” & submit the proposal with necessary budgeting & costing to the Deptt of SME, Govt of Odisha for funding provision in the budget.

Non-eligible school for reimbursement under section 12.2

- As per the section 12.2 of the Act, Schools which are under obligation to provide free education to a specified number of children on account of having received any benefit from Govt like land, building, equipment or other facilities, either free of cost or concessional rate, such schools shall not be entitled for reimbursement to the extent of such obligation.
- Schools not received/ renewed NOC/ Certificate of recognition from appropriate Govt.
- Schools not fulfilling the infrastructure and Teacher norm as per RTE Act.
- Residential school starts from the class which is higher than class-I.
- Non-residential Schools starting with classes higher than class – I

5. Fund Flow in case of reimbursement.

- Reimbursement of amount shall be recommended to the extent of per child expenditure incurred by the state or the actual expenditure incurred by the school for each child belonging to weaker section & disadvantaged group, whichever is less.



- The amount of reimbursement shall be paid through e- transfer to the account of school as provided in the Form No-A by Director, Elementary Education with a copy to DEO & BEO concerned.
- State Govt will audit the school account regularly for which all schools are to keep necessary records for the purpose.

6. Timeline

- Submission of school wise form (Form-A) to BEO- 10th October
- Inspection by BEO/ ABEO- 30th October
- Recommendation by BEO & submission of form "A" to DEO- 10th November
- Recommendation by DEO & approval by Collector- 30th November
- Submission by DEO to Director, EE (DEE)- 10th December
- Approval by DEE & submission of Form "B" to S & ME 31st December

(If abovementioned day is a holiday then next working day would be taken for consideration)

7. Miscellaneous

- All private un-aided schools are subject to the monitoring of the compliance of the norms under the RTE Act (Sec 18 & 19) by the Govt/ Local Authority. Detailing of norm under the Act is attached herewith.
- All schools are to provide data in U-DISE. Any other information as sought by Govt/ Local authority from time to time will also be provided by schools.
- All private un-aided schools are required to provide data on admission under 25% as per the section 12.1.c on/ off line in the tracking system as prescribed by Govt from time to time.
- Expenditure under the reimbursement against 25% free admission is subjected to audit by the competent authority as and when required.
- No child shall be subjected to any kind of discrimination (Sec 8 & 9 of Act, physical punishment or mental harassment in the school (Sec 17.1 of Act).
- No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education (Sec 16 of the Act).
- No school shall collect capitation fee from child/parent i.e. fee not to be collected over and above the fee notified (in prospectus or any form) before the admission process begins (sec 13.1 of the Act).



- No child shall be required to pass any Board Examination till completion of elementary education (Sec 30(1) of the Act).
- All private un-aided schools (each individual school with different locations) are required to obtain NOC / Certificate of recognition from appropriate Govt (Sec 18 of the Act) for running the school.
- All teachers shall have training (CT/Dip.Ed/B.Ed) qualification as per the RTE norm (Sec 23 of the Act).
- No child shall be denied admission in a school for lack of age proof (Sec 14.2 of the Act)
- If any child seeks admission after the extended admission period, then the admission to that child shall not be denied (Sec 15 of the Act).

This may be brought to the notice of all concerned for necessary action and compliance.

Yours faithfully,



Commissioner-cum- Secretary to Govt

Memo No 9318 /

Date 19.09.16

- Copy to SPD, OPEPA (SSA-RTE), Director, Elementary Education, Director, TE & SCERT and RTE Cell, OPEPA for information and necessary action.
- Copy to Director, ST & SC Development/ W & CD/ S.S & EPD / Labour & Employment/ H & UD / Home Deptt for information & necessary action.
- Copy to all District Education Officers (DEOs), DPC-SSA-RTE & BEOs for information & necessary action. They are requested to take all steps as per the guidelines. They may make all concerned such as school heads, parents, community, PRI members, line departments etc. aware of the guidelines through different mobilization programmes and media activities so that the RTE Act would be implemented successfully.



Commissioner-cum- Secretary to Govt

NORMS & STANDARD FOR AN ELEMENTARY SCHOOL UNDER THE RTE ACT, 2009
THE SCHEDULE (SEE SECTIONS 19 & 25)

SI No	Item	Norms & standards	
1	Number of teachers:		
	(a) For first class to fifth class	Admitted children	Number of teachers
		Up to sixty	Two
		Between sixty-one to ninety	Three
		Between ninety-one to one hundred and twenty	Four
		Between one hundred twenty-one to two hundred	Five
		Above one hundred and fifty children	Five plus one Head-teacher
		Above two hundred children	Pupil teacher ratio (excluding Head teacher) shall not exceed forty
	(b) For sixth class to eighth class		(1) At least one teacher per class so that there shall be at least one teacher each for-
			(I) Science and Mathematics
			(ii) Social Studies
			(iii) Languages
			(2)At least one teacher for every thirty-five children.
			(3) Where admission of children is above one hundred-
			(i) A full time head teacher
			(ii) Part time instructors for-
			(A) Art Education
			(B) Health and physical Education
			(c) Work Education
2	Building		All-weather building consisting of-
			(i) at least one class room for every teacher and an office-cum-store-cum-Head teachers' room;
			(ii) barrier free access;
			(iii) separate toilets for boys and girls;
			(iv) safe and adequate drinking water facility to all children;
			(v) a kitchen where mid day meal is cooked in the school;
			(vi) Play ground;
			(vii) arrangements for securing the school building by boundary wall or fencing
3	Teaching learning equipment		shall be provided to each class as required.
4	Library		There shall be a library in each school providing news paper, magazines and books on all subjects, including story books.
5	Play materials, games and sports equipment		Shall be provided to each class as required.



APPLICATION FORMAT FOR ADMISSION IN PRIVATE UN-AIDED SCHOOL
under section 12.1.c of the RTE Act

To,
The Principal / Head Teacher,

_____,

Application for taking of admission under 25% quota in Private Schools

Name of child	
Name of Father/ Mother / Local Guardian (Any outsider/ NGO/GO)	
Date of Birth (Lacking of the DoB certificate would not prevent admission)	
Age in year	
BPL/ APL (Photocopy of the BPL card/ card of poverty elimination programme by Govt to be attached)	
Caste (SC/ST/SEBC/Other disadvantaged Group) Caste Certificate (Photocopy) to be attached	
Boy / Girl	
Name of the class (Class-I or Pre-primary) for admission	
Address (Not mandatory for home-less children)	

Enclosure –
Place-
Date -

Habitation/Ward	Village/Ward
P.O.	G.P.
District	State

Yours faithfully

Signature/ Thumb Sign
of the Parent/Guardian

(Documents not mandatory for homeless/ street children or children without adult protection)



FORM-A

Form of application for reimbursement of per child expenditure **(Section 12.2 of the RTE Act, 2009 & State Rule 10)**

To

The District Education Officer, District _____
(Through the Block Education Officer, Block _____)

1. Name of the school with U-DISE code:
applying for reimbursement
2. Address in full :
3. Name of the authorised person
With contact No. & e-mail
4. Registration No of the school :
Under the Society Registration Act/ Public Trust:
5. Copy of the No Objection Certificate/ :
Certificate of recognition order issued by the
Competent authority of State Govt
to be attached
6. Whether the school is under obligation :
like land, building, equipment or other
facilities either free of cost or at a
concessional rate from Govt
7. No of students in the school :
(Evidence to be given/ attached class-wise in a separate sheet)
8. Students strength in the entry class :
(Pre- primary/ Class-I)
9. No of weaker section & disadvantaged :
group students admitted / enrolled
against 25% of the strength in the entry class
(Class & category-wise statement upto Class-VIII)
10. Total no of teaching & non-teaching
staff in the school. :
11. Total amount of expenditure incurred
by the school on account of salary to
the teaching & non-teaching staff
:



12. No of teaching & non-teaching staff engaged for the classes for which reimbursement claim is submitted :

13. Amount of salary given to the staff : engaged for the classes for which claim is submitted.

14. Total expenditure on recurring heads like salary, Evaluation, MDM, study materials etc.

15. Per child expenditure (recurring head) incurred by school

16. Amount of claim towards reimbursement :

Per child expenditure (the actual amount charged from the child by the school per year)

a. Tuition Fees :

b. Fees for other facilities (details to be given):

c. Total

17. Account detailing of the school :

(A separate account to be opened in any nationalised/scheduled bank)

a. Name of the Bank –

b. ISFC Code –

c. Account Number –

d. Name of the Account Holder/s-

**Signature of the applicant
With designation and seal**

**Verified the above information &
Found correct & recommended for payment**

**Signature with seal
(District Education Officer)**

**Signature with seal
(Block Education Officer)**

