

RTE Act, 2009 - Delhi Govt. agrees with Social Jurist to done away with the requirement of passing test for admission to class VI – VIII in State run schools

Social Jurist, A Civil Rights Group by letter dated 30.03.2010 addressed to the Chief Minister of Delhi and the Director of Education **seriously objected to the procedure for admission through ‘admission test’ with regard to admission of students in classes VI, VII and VIII in Govt. schools as given in the public advertisement dated 25.03.2010 on the ground the same tantamount to “screening procedure” which is not only prohibited by Section 13 of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009) but also punishable at law.**

In response to the aforesaid letter dated 30.03.2010 of the Social Jurist, the Govt. of NCT of Delhi, Directorate of Education by letter dated 13.04.2010 informed Shri Ashok Agarwal Advocate, Advisor, Social Jurist that **“the requirement of passing the test as mentioned in Para 1 under ‘Criteria for Admission’ in the Admission Notice published on 25th March 2010 is done away with.** In fact, even in the past, the Directorate of Education has given admission to all the children irrespective of their marks scored in the admission test. The results of the test will be used to allot a nearby school based on preference as far as possible given by students & additionally in respect of children who have not studied in any recognized school to determine their special training needs for their admission in age appropriate class.”

The Social Jurist appreciates the above decision of the Delhi Govt.

Ashok Agarwal, Advocate
Advisor, Social Jurist,
M-09811101923
24.04.2010

Note: Copies of Delhi Govt. letter dated 13.04.2010 and the Social Jurist letter dated 30.03.2010 are pasted below.

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
OLD SECRETARIAT, DELHI-110054**

No.F. DE.23(363)/Sch. Br./4636

Dated: 13/4/10

To,

Sh. Ashok Agarwal, Advocate,
Advisor, Social Jurist.

Sub: Reply of letter of Mr. Ashok Agarwal dated 30.03.2010 for admission to class VI-VIII.

Sir,

With reference to your above mentioned letter, the requirement of passing the test as mentioned in Para 1 under 'Criteria for Admission' in the Admission Notice published on 25th March 2010 is done away with. In fact, even in the past, the Directorate of Education has given admission to all the children irrespective of their marks scored in the admission test. The results of the test will be used to allot a nearby school based on preference as far as possible given by students & additionally in respect of children who have not studied in any recognized school to determine their special training needs for their admission in age appropriate class.

Yours Sincerely,

Sd/- 12.4.10
(DR. SUNITA S. KAUSHIK)
ADDL. DE (SCHOOL)

To,

1. Hon'ble Mrs. Sheila Dikshit,
Chief Minister of Delhi ,
Secretariat, I. P. Estate,
New Delhi-110002
2. The Director of Education
Govt. of NCT of Delhi ,
Old Secretariat Building
Civil Line, Delhi-110054

Sub: Delhi Government violates RTE Act, 2009 by subjecting children to screening procedure for admission to Classes VI, VII and VIII in State-run schools

Dear Madam/Sir,

We have the honor to invite your kind attention to the admission notice issued by the Directorate of Education, Govt. of NCT of Delhi that appeared in the newspaper "*The Indian Express*" dated 25.03.2010 regarding admission of students to classes VI, VII, VIII, and IX in all Govt. schools run by DOE. The said admission notice invites students for admission in Government-run schools and is meant for students who have either not studied in any recognized school and those who have studied in recognized unaided/Government aided/Government school but wish to change their school in class VI to IX.

The aforesaid admission notice contains the following in its B-Part under the caption the "Open Admission" which is the subject of the present representation. The said admission notice is reproduced as under:-

“(B) OPEN ADMISSION

The admission is open in all Government schools run by the Directorate of Education and Govt. Aided Schools where the enrolment is low on the basis of admission test and as per vacancy available in class for all students who have either not studied in any recognized school (on the basis of affidavit) and those who have studied in recognized unaided/Government aided/Government school

but with to change their school in class VI to IX as per following schedule and criteria.

ONLINE REGISTRATION FOR ADMISSION TEST

Registration can be done online from any Government School of the Directorate or Office of the Deputy Director of Education of Jeevan Service Centres run by department of Information and Technology, Government of National Capital Territory of Delhi whichever is nearest to the residence of the child from 1st April, 2010 (Thursday) to 15th April, 2010 (Thursday) through Department's website www.edudel.nic.in

ADMISSION TEST

The centralized admission test for all classes VI, VII, VIII and IX will be held on 20th April, 2010 (Tuesday). Admission test will consist of objective type questions.

CRITERIA FOR ADMISSION

(1) Students of recognized unaided/Government aided/Government school will be ranked based on merit as per their admission test result. The students who have not studied in any recognized school will have to pass the exam besides being ranked on the basis of their merit.

(2) The school will be allotted on the basis of merit cum choice of school. However, in all cases, students will be allotted school on merit and distance criteria generated through computerized system nearest to residence as filled by the Parent/Guardian at the time of registration. Request for change of school once allotted on the basis of residence address filled at the time of registration will not be entertained.

DECLARATION OF ADMISSION TEST RESULT

The list of selected students will be selected at all examination centres (Cluster schools/Zonal offices/Offices of the Deputy Director of Education/Computer cell, Directorate of Education, Old Secretariat) on 28th April, 2010 (Wednesday) at 3.00 P.M. Selected

students will be required to take admission in designated school by 1st May, 2010 (Saturday).

Sd/-
Additional Director of Education (School)

It is submitted that the above reproduced procedure for admission through admission test with regard to admission of students in classes VI, VII and VIII in Govt. schools is prohibited by Section.13 of The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009). It is further submitted that under Clause (b) of Sub-Section (2) of Section.13 of the RTE Act, 2009 such screening procedure is an offence punishable with fine which may extend to twenty five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contravention.

Your attention is invited to the abovementioned provisions of Section.13 of the RTE Act, 2009 which are reproduced as under:

“Section 13 (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.

(2) Any school or person, if in contravention of the provision of sub-section (1),-

(a) receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged;

(b) subjects a child to screening procedure, shall be punishable with fine which may extend to twenty-five thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions.”

Your kind attention is also invited to **Section 2(o)** of the RTE Act, 2009 which is reproduced as under:

Section 2(o) “screening procedure” means the method of selection for admission of a child, in preference over another, other than a random method;

From the mere reading of the aforementioned provisions of the RTE Act, 2009, it is abundantly clear that no school can subject a student to any screening procedure (which includes admission test) for his/her admission in classes I to VIII.

It is also submitted that the provisions of the much lauded RTE Act, 2009 shall come into effect from April 1, 2010 and are, therefore, applicable to the admission of students in the academic year 2010-2011. It is submitted that the aforementioned procedure of admission to students in classes VI, VII, and VIII in Govt.-run schools as mentioned in the admission notice dated 25.03.2010 is in clear contravention of the provisions of Section.13 of RTE Act, 2009.

It is, therefore, requested that the aforementioned admission notice be withdrawn and another admission notice in conformity with the provisions of the RTE Act, 2009 should be published. It is also requested that your decision on the subject be intimated to the undersigned within three days of the receipt of this representation, failing which, we shall be constrained to file a Public Interest Litigation in the Hon'ble Delhi High Court questioning the validity of your aforesaid admission notice at your risk and costs.

With regards,

Ashok Agarwal, Advocate
Advisor, Social Jurist
M- 9811101923