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Government of Jammu and Kashmir
School Education Department
Civil Secretariat, Srinagar/Jammu

The Chairman, JKBOSE.
The Director School Education
Jammu/Kashmir.

No: Edu/ ETT/II/2013

Dated: 30/10/2015

**Subject: ensuring proper facilities for students in private schools -
unauthorized functioning & disposal of pending applications**

Ref: Record note of the meeting held on 08/08/2015 issued under
endorsement no. Edu/ ETT/II/2013 dated 12/08/2015

Sir/Madam,

1. In the meeting held on 8th August 2015, following decision were taken with regard to Schools functioning without proper approval in the State:

- 1) "A mention was made about schools operating without permission of Directorate/BOSE and it was decided that legal action needs to be taken against defaulting schools. It was further decided that in respect of such schools up to Middle standard, concerned CEO shall take the legal recourse. In case of schools where classes of 9th standard and beyond are being run, the JKBOSE shall immediately initiate the legal action as the schools beyond class 8th have to seek affiliation of the JKBOSE.
- 2) "In order to inform the general public about the issue of operating of schools without permission/affiliation, it was decided that public notices shall be issued and the list of recognized schools shall be uploaded on the website of JKBOSE and Directorates of School Education. General public may be invited to bring to notice of the authorities details of any schools that are not figuring in these lists. Private schools shall be directed to display recognition/permission orders on the notice board exhibited at a prominent place on the outer boundary of the school. After 30 days from the date of issuance of these minutes, each ZEO shall furnish list of schools that are functioning with proper permission and also submit a certificate to the effect that no school without permission is operating in his/her jurisdiction".

2. Time bound action was required to be taken in pursuance to these decisions. However, it is apparent that no such action has been taken so far. In order to ensure that the society is not duped by unscrupulous elements, it is necessary that establishments functioning without sanction of the law are closed down immediately. It is necessary to ensure immediate action on the decision quoted above. It is, therefore, requested that:
 - a. The competent authority may upload the list of schools district-wise that are functioning with permission/recognition/affiliation by or before 16th November, 2015. The concerned authorities may also upload list of those schools who have **already** applied for permission/recognition/affiliation and therefore their cases are under process (clearly indicating the date of such application). Further, the schools be directed to display the relevant details on their notice board. Thereafter, referring to uploading of these lists and the requirement cast upon the schools to display permission/recognition/affiliation on the notice board, a general notice is proposed to be issued by the government on 16th November 2015 inviting the general public to bring to notice of the Director as well as the competent authority any establishment functioning in violation of law. Draft of the notice is enclosed and the Directors & JKBOSE are requested to intimate the contact details to the Administrative Department along with web-link by 16th November positively.
 - b. ZEOs were required to furnish certificate regarding non-operation of any establishment without due permission within 30 days from 08/08/2015 but it seems that no action has been taken in this regard. It is, therefore, directed to complete this survey by 16th November 2015, with over-riding priority. Subsequent to the completion of the survey, the Directors/JKBOSE may initiate prompt legal action against such establishments that are found to be operating without requisite permission. Certificates from the ZEOs be obtained and the same should be 100% cross-checked by the CEOs. Progress may be monitored by the Directors as per enclosed proforma A.
 - c. As there is likelihood of a number of students who may be studying in such establishments, in order to protect their future as prima-facie their parents are not at fault, the students may be allowed to enroll in Government Schools disregarding any requirement of the attendance, time of admission, etc. as one time exception subject to verification of their being on the roll of an establishment operating without permission.
3. In order to reduce the pendency of applications with the competent authorities and to ensure that no schools run without due approvals, it is directed that:



- i) no case should remain undecided beyond one month i.e. in case the applicant doesn't fulfill the requirements, the deficiencies should be conveyed within 30 days, clearly indicating the date of next inspection. In any case, if the applicant is unable to make up the deficiencies beyond 90 days from the date of application, rejection with details for the same shall be communicated by the competent authority.
 - ii) It has been observed that often applicants are allowed to operate educational institutions merely because an application has been filed, resulting in enrolment of children in establishments that do not meet the statutory requirements. Henceforth, mere filing of the application before the competent authority shall not be treated as permission to run an educational institution and if any such instance comes to notice, the institution shall be closed down with legal action concurrently.
 - iii) the practice of conditional approvals shall be discontinued. No school be granted permission to operate unless it makes up all the deficiencies.
 - iv) every order issued by the competent authority shall be placed on its website and also that of the Director concerned, district-wise, with proper indexing.
 - v) in respect of those institutions that have already applied as on date and are running the classes, the competent authority shall ensure conduct of inspection by 30th November; grant time up to 31st December for making up the deficiencies; and conduct second inspection by 31st January to ascertain the status so as to either grant approval or cancel permission through a speaking order to close down the institution. JKBOSE, however, may follow the schedule already communicated.
4. The directors are further advised to ensure compliance to safety conditions by all the schools and education institutions on the lines of the JKBOSE circular dated 22.08.2015. This may be ensured by constituting special teams, if necessary.
 5. Above directions shall necessitate special efforts by the competent authorities. The Directors are therefore advised to take regular reviews. Further, Directors and JKBOSE may furnish monthly information as per the enclosed proformas I-IV.

Yours faithfully,

(Shaleen Kabra)

Commissioner/Secretary to Govt
School Education Department

Government of Jammu & Kashmir
DIRECTORATE OF SCHOOL EDUCATION, KASHMIR

No: DSEK/JD/ *Q3 Misc/2016*

Dated: *27/01/2016*

Copy of Letter No. Edu / ETT / II / 2013 dated 30-10-2015 along with its enclosures received from the Administrative Department is forwarded to the Chief Education Officers _____ (All) with the remarks that they will return the proforma A, I, III and IV duly filled in and furnish the list of (un-recognized) schools which are running without any permission from the competent authority *within 3 days positively.*

(Signature)
(Mehboob Hussain) *27/1/16*

Joint Director
School Education Kashmir.

**Draft of General Notice to the Public
(to be Issued by the School Education Department)**

Whereas list of schools which are permitted/ registered /recognized /affiliated as well as those who have applied for the same, has been placed on the website (the Directors and JKBOSE are requested to convey to the Administrative Department the web-link after uploading) and has also been displayed on the notice board of CEO offices /Directorates/ JKBOSE; and

Whereas every school has been directed to display the relevant details of registration /permission /recognition /affiliation on their notice board; and

Whereas, the education institutions have to meet various requirement as notified from time to time; and

Whereas, as per the regulations governing permission/ registration /recognition /affiliation, the competent authorities are as follows:

- i) Upto 5th standard - CEO
- ii) Upto 8th Standard - Director
- iii) Beyond 8th Standard – affiliation by JKBOSE and recognition by Administrative Department; and

Whereas, instances have come to notice that education /teaching is being offered by establishments that do not have requisite permission from the competent authority and thus are functioning outside the purview of the law; and

Whereas, the matter has been considered in the department and it has been decided to initiate legal /administrative action against such establishments so as to protect the future of the children and prevent duping by unscrupulous elements and it is proposed to enlist the assistance of the public to ensure the same.

Now, therefore, through the medium of this notice, the general public is requested to inform the concerned authorities as also the Directors of respective Divisions and JKBOSE about functioning of any institutions without due permission within 21 days from the date of publication of this notice at the following contact details:



Telephone:
Email address:
Name of Officer:
Mobile number of the officer:

(the Directors and JKBOSE are requested to convey to the Administrative Department the contact details)

A handwritten signature in black ink, consisting of a stylized, cursive name followed by a horizontal line.

(A)

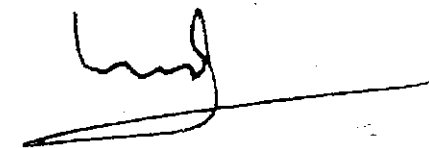
Proforma I - for schools up to class 5th (Competent authority - CEO)

School located in the District of	Pending applications as on 1 st October 2015	Reasons if any inspection has not been conducted by 30 th November 2015	Applications decided in November 2015	Applications decided in December 2015	Applications decided in January 2016	Applications decided in February 2016

Proforma II - for schools up to 8th (Competent authority - Director)

School located in the District of	Pending applications as on 1 st October 2015	Reasons if any inspection has not been conducted by 30 th November 2015	Applications decided in November 2015	Applications decided in December 2015	Applications decided in January 2016	Applications decided in February 2016

Proforma III - for schools beyond class 8th (Competent authority - CEO)



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School located in the District of	Pending applications as on 1 st October 2015	Reasons if any inspection has not been conducted by 30 th November 2015	Applications decided in November 2015	Applications decided in December 2015	Applications decided in January 2016	Applications decided in February 2016

Proforma IV - Disposal of applications by competent authorities (CEO/DSE/JKBOSE) – monthly report starting October 2015

S.No	Applications pending at the beginning of the month	Applications received during the month	Applications disposed off during the month	Applications pending at the end of the month	Applications pending beyond 90 days	Applications pending beyond 30 days	remarks

