

Ban test or examination or interview at admission in primary schools.

Government of Gujarat
Education Department
Resolution No: PRE-112011-149-K,
Sachivalay, Gandhinagar.
Dt.18 FEB 2011

Read:-

- (1) Section-13 (1) and Section-38 of 'The Right of children to free and compulsory Education Act-2009.'
- (2) 'The Gujarat Education Law (Amendment) Bill-2010.'
- (3) Notification No.GH/SH/6, No.PRE/12010/5/K, Dated 1/4/2010 of Education Department, Secretariat, Gandhinagar.

Preface:-

For the purpose of giving free and compulsory education to all children from 6 to 14 years, Government of India has given fundamental constitutional right to all children by passing 'The Right of Children to Free and Compulsory Education Act,2009' in parliament. There is a provision as under in Article-13(1) of the act:

"No school or person will charge capitation fees of any kind at admission and can make child or his parents/guardian undergo any test or examination or interview."

The matter of implementation of provisions of the section was under active consideration of government.

Resolution: -

It is resolved as under by state government vide power gained by provisions of section 13(1) and 38 of 'The Right of Children to free and compulsory Education Act,2009' enacted by government of India which is indicated in preamble (1) :

- (1) At time of admission of child in primary school, the student or his parents/guardian are made to undergo test/examination by primary schools or the student or his guardian are interviewed and then the student is admitted which is against provision of abovementioned act, therefore ban is hereby imposed on such kind of test or examination or interview. It means that no student/guardian can be compelled to undergo test, examination or interview.
- (2) Transparent and fair process must be adopted by schools at admission in primary school. In the transparent process, first come first served can be decided from applications for admission or student can be admitted on basis of draw.

- (3) Some schools adopt ways of giving prescribed forms for admission. It is made clear by the resolution that any kind of hindrance/obstruction in giving admission form will be considered violation of this section. Every school has to give admission forms to parents/guardians compulsorily without any query or inquiry and has to accept filled forms. The school can reserve seat in specific number/percentage out of eligible seats for different categories. 25 % of eligible seats are to be filled by students from weaker and deprived classes as per provision of 'The Right of Children to free and compulsory Education Act, 2009'. It must be shown in advertisement that how many seats are reserved and on basis of which process admission will be given in every category.
- (4) If violation of above mentioned provision is found in any school, fine of Rs.25,000/- for first time violation will be charged and after it, fine of Rs.50,000/- at each event of violation will be charged.
- (5) The resolution must strictly be implemented by all primary schools of any medium and managements i.e. Government schools, schools managed by District Education Committees and by Municipal school Boards, Aided private schools. Non-granted private schools, CBSE or ICSI or other schools of any medium affiliated with any other board.
- (6) Implementation of the G.R. should be done from academic year 2011-12 i.e. from new academic term starting from June, 2011.

By order and in name of Governor of Gujarat,

Sd/-

(S. B. Garasia)

Deputy Secretary (Primary Education),
Education Department,
Government of Gujarat

To,

- Principal Secretary to Hon. Governor, Raj Bhavan, Gandhinagar.
- Secretary to Hon. Chief Minister, Secretariat, Gandhinagar.
- Personal Secretaries to all Hon. ministers/ministers of State/Hon. Parliamentary Secretaries.
- Personal Secretary to Principal Secretary (primary education), Secretariat, Gandhinagar
- Personal Secretary to Secretary (primary education), Secretariat, Gandhinagar
- All Departments of Secretariat, Gandhinagar.
- Commissioner, Mid Day Meal and Schools, G.S. Gandhinagar.
- Director, Primary Education, G.S. Gandhinagar.
- State Project Director, Sarva Siksha Abhiyan, Sector 17, Gandhinagar. Direct

- Director, Continuing Education, G.S. Gandhinagar.
- Director, G.C.E.R.T. Gandhinagar.
- Director, Gujarat State Board of School Text Books, Gandhinagar.
- Secretary, Gujarat Secondary and Higher Secondary Education, G.S. Gandhinagar.
- All Municipal Commissioners
- All D.D.Os.
- All D.P.E.Os./D.E.Os.
- All A.O.s. Municipal School Boards, Municipal Corporations and Nagar Panchayat..... through Director, Primary Education
- Accountant General, Rajkot/Ahmedabad.
- Pay and Accounts Officer, Ahmedabad/Gandhinagar.
- All District Treasury Officers.
- Inspector, Local Accounts Fund, G.S. Gandhinagar.
- Director of Information, G.S. Gandhinagar. For publication in prominent Daily Newspapers of State.
- All Officers of Education Department
- All Branches of Education Department.
- Computer Cell, Education Department, secretariat, Gandhinagar(To put On Line)
- Select File.
- Deputy Section Officer, Select File.