
**Important court case and instructions
relating to Haryana School Education
Rules, 2003**



**CWP 7171 OF 2003 TITLED AS NIJI
SCHOOL SACHALAK SANG/MANCH,
HARYANA
V/S STATE OF HARYANA.**

The various association of schools challenged the provision of Haryana School Education Rules 2003 in the Hon'ble Punjab and Haryana High Court, Chandigarh delivered this Judgement on 17.08.2005 against the implementation of Haryana School Education Rules, 2003.

Coram: Hon'ble Mr. Justice J.S. Khehar
Hon'ble Mr. Justice S.N. Aggarwal

J.S. Khehar, J.(Oral)

Learned counsel for the parties state that the State Government has constituted a Committee under the Chairmanship of Director Secondary Education, Haryana, Chandigarh to re-consider the norms and other regulations prescribed under the Haryana School Education Act, 1995 and Haryana School Education Rules, 2003. It is pointed out by the learned counsel for the rival parties that since the matter is under re-consideration of the State Government, the instant writ petition be disposed of subject to an undertaking by the respondents that the petitioner/institution shall be permitted to continue as at present till the final determination at the hands of the State Government on the receipt till the final determination at the hands of the State Government on the receipt of the recommendation by the Committee.

The Advocate General, Haryana has informed us that a decision has already been taken at the level

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of the Government to allow all the Petitioner/ institutions to continue to run the institutions till the end of academic session 2005-06. He further states that it would be fair and reasonable that the institutions are allowed to continue to run till the final determination at the hands of the State Government on the receipt of the report of the committee.

In view of the above, the instant writ petition is disposed of the petitioner/institution shall continue to run till a final decision is taken by the State Government consequent upon the receipt of the report of the committee Haryana, Needless to mention that it will be open to the petitioners to challenge the eventual decision taken by the State Government in case the petitioner is aggrieved by the said decision.

Sd/-
J.K. Shehar
Judge

Sd/-
S.N. Aggarwal
Judge

**CWP 8900 OF 2006 TITLED AS SHIV
MODERN SENIOR SECONDARY SCHOOL
AND OTHERS V/S STATE OF HARYANA.**

The Hon'ble Punjab and Haryana High Court, Chandigarh delivered this Judgement on 18.07.2006 regarding to allow the students studying in Private un-recognize schools to appear as regular student Board Examination for the current Academic Session i.e.2006-07.

Coram: Hon'ble Mr. Justice Viney Mittal

Hon'ble Mr. Justice H.S. Bhalla

Viney Mittal, J.(Oral)

By this common judgement, we shall be disposing of batch of writ petitions together, as the questions of facts and law involved therein are identical in nature.

Shri S.P.S. Chaudhary, Deputy Director, Education, Haryana, is present in person. He has informed the Court that the process of framing of the new rules, governing the recognition of private schools in the State of Hayana, is pending consideration of the State Government. The new rules shall be framed on or before March 31, 2007 and shall be made applicable from the next ensuing academic session 2007-08.

With regard to the claim made by the petitioner (s) – School, Shri Chaudhary has very fairly stated that such schools, which has been granted the permission/provisional recognition in the previous academic session, i.e. 2005-06 and which have applied for the grant of necessary recognition, shall be granted one time concession, inasmuch as, the aforesaid schools shall also be deemed to be temporally recognized for a period of one year alone and as such, students studying in the aforesaid schools shall also be entitled to appear as regular students for the current academic session, i.e., 2006-07.

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However, Shri S.P.S. Chaudhary, has emphatically stated that the aforesaid concession granted to the said schools, would be only a one time concession to avoid the entire controversy and keeping in view the interest and career of the students, studying in the said schools and shall not be treated as a recognition of the infrastructural and other requirements being possessed by the said schools. SHri Chaudhary states that the claim of such schools for the grant of permission/permanent recognition shall be considered in the next ensuing academic session, i.e. 2007-08 in accordance with rules, which are to be framed by the State Government.

The aforesaid statement of Shri Chaudhary fully satisfies the learned counsel appearing for all the petitioners.

Consequently, we dispose of all the present petitions as having been rendered infructuous.

However, before parting with this order, we make it absolutely clear that the above statement of Shri Chaudhary shall only govern such schools, which had applied for permission/recognition and shall not be applicable to such schools, which have not even applied for such recognition.

We further make it clear that if anyone of the petitioners has any further individual claims, it would be at liberty to approach the authorities concerned in accordance with law and to seek its further remedies thereafter.

Copy of the order be given dasti on payment of usual charges.

Sd/-
Viney Mittal
Judge

Sd/-
H.S. Bhalla
Judge

ORDER

No. 7/75-97 PS (1)

Dated, Chandigarh

Whereas Faridabad Abibhavak Ekta Manch, Faridabad an NGO had filed CWP No. 15500/1997 in Hon'ble Punjab and Haryana High Court in 1997 to seek a writ of Mandamus for directing the respondents, including the CBSE, the HBSE & the HUDA to initiate action against respondent No. 6 to 30 for not following a rational fee structure, demanding exorbitant fee and various other allegation levelled against them. The Hon'ble Court passed the following orders on 11-3-2005:-

“Accordingly, we dispose of the writ petition with a direction to respondents No. 1 to 4 to treat the present writ petition as a representation and take a final decision thereon in accordance with law.

Needless to add that final decision on the representation shall be taken by the authorities concerned after affording adequate opportunity of being heard to affected parties.

The decision shall be taken as expeditiously as practicable and in any case not later than 4 months from today.”

This order is on behalf of respondent No. 1 and respondent No. 4 only. In compliance of the orders of the Hon'ble High Court the matter was examined and all the schools mentioned in the PIL were asked vide letter No. 7/75-97 PS 1 (4) dated 11-5-2005 to supply a detailed report regarding fees and funds charged during the last five years. Most of the schools failed to supply the required information. Thereafter, a personal hearing was given to all the concerned schools of Faridabad District vide letter No.7/75-97 PS 1(4) dated 20-5-05 with a copy of the representation of Faridabad Abhibhawak Ekta

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Manch Faridabad as requested by the schools. Again another opportunity of hearing was given vide letter No. 7/75-97 PS 1 (4) dated 17-6-2005 to supply the fee structure etc. But the respondent's schools did not turn up on the fixed date along with required information. On non receipt of required information from the schools respondent No. 4 decided to send an inspection team to ascertain the facts from the school records and the inspection team headed by Additional Director, School visited the schools on 18/19-10-2005 to inspect the records pertaining to fee structure and concession granted to economically weaker sections in light of court directions in CWP No. 15500 of 1997. The team visited the following 7 schools namely:-

1. SOS Herman Gmeiner School, Sector 29, FBD.
2. DAV Public School, Sector 14, FBD.
3. Aggarwal Public School, Ballabgarh, FBD
4. APJ Ser. Sec. School, Sector 15, FBD
5. Modern Vidya Niketan, Sector 17, FBD
6. DPS Ser. Sec. School, Sector 19, FBD
7. Modern School Sector 17, FBD

Out of the above schools the schools namely; APJ Ser. Sec. School, Sector 15, FBD; Modern Vidya Niketan, Sector 17, FBD; Modern School, Sector 17, FBD; DPS Ser. Sec. School, Sector 19, FBD flatly refused to show the records to the inspection party. For the sake of justice, the schools were served with a show cause notice as to why they have not allowed to inspect the records as the same was required by the department for taking a decision as per directions of the Hon'ble High Court but the schools gave no satisfactory reply to the show cause notice, rather they contended that the Department has no

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right to inspect the school records on the ground that schools are affiliated with the Central Board of School Education (CBSE), New Delhi.

Under the section 4 clause 6 of Haryana School Education Act, 1995 every existing recognized school or schools which are already affiliated with Boards or Council Indian School Certificate Examination other than Board of School Education, Haryana, shall be deemed to have been recognized under this section and shall be subject to the provisions of this act and the rules made there under. Hence the Department has every right to inspect the school records which are existing in the State of Haryana irrespective of the fact that they are affiliated with any Boards other than the Haryana School Education Board.

As per provision made in rule 187 of Haryana School Education Rules, 2003, **“The Director is competent to authorize to any officer(s) for inspection of all or any of the functions and activities of the recognized school. The school authority shall allow the inspection of record as required by the inspecting officer.”**

The officers who were authorized to inspect the said records of the above stated schools were not allowed to inspect the same. Thus the managements of the schools acted in total violation of the provisions of this rule which is a refusal to accept the authority of the Director conferred under law. Hence the said managements made their selves for the action stated in rule 43 (1) (a) which runs as under:-

“(1) The appropriate authority may withdraw/suspend the recognition of a school after giving a reasonable opportunity against the proposed action

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to be taken against the school in the following circumstances:-

- (a) if a school ceases to fulfill any requirement of the Act or any of the conditions of these rules.”

The said managements of the schools were given reasonable opportunities as detailed above to show cause against the proposed penal action but they miserably failed to give any plausible reasons for not allowing the inspection of school records. Rather in their replies they challenged the authority of the Director given under the provisions of the Act and Rules. Three schools namely APJ Sr. Sec. School, Sector 15 FBD, Modern Vidya Niketan, Sector 17, FBD and Modern School, Sector 17, FBD which flatly refused for the said inspection were de-recognized from the next academic session starting from 1-4-2007 vide order 7/75-97 PS(1) dated 23-10-2006. (copy enclosed)

For the remaining schools a committee headed by Additional Director School with Deputy Director, ADA and Accounts Officer was constituted to ascertain the facts of the information in regards to fee, funds, concessions, facilities etc. provided by these schools. The committee visited Faridabad on 11-12-2006. The proceedings of the committee are at Annexed-R-1. As per proceeding all the schools affiliated with the CBSE, the following things came up after mutual understanding to be observed in letter and spirit in future by all the concerned schools:-

1. Reservation in Admission: -

All the participant schools agreed to grant reservation in admission to the students of weaker sections irrespective of reservation required/or not under HUDA By-Laws or State Govt. policy/

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instructions. All the schools agreed to give undertaking to abide by the instructions/rules of the Government issued from time to time.

It was further decided that there should be a committee to monitor the reservation policy for the students of weaker section if the applications received are more than the available number of seats and the committee will be consisting of following members: -

- a. Representative of Education Department.
- b. Representative of School management
- c. Head of P.T.A. of the School

2. Fee Structure: -

The fee structure will be fixed by the PTA Body according to the bye-laws of CBSE from the next academic session. The school authorities will supply the fee structure of the school before start of next academic session every year to the Director and DEO, Faridabad as required under rule 158 of Haryana School Education Rules 2003. This list will also be displayed on the notice board and press/public notice will also be issued so that the whole information is public domain. A copy of the same will be supplied on demand on actual expenses to any parent or citizen.

3. No Shop in School Premises: -

The President of the CBSE affiliated schools ensured that they would issue a circular to all the schools running in the state affiliated with the CBSE that they would not operate any shop/outlet

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or other business like activities for books and dresses etc. in the school premises.

4. All the schools have now submitted the required information alongwith undertakings referred at Sr. No. 1 regarding reservation in admission in future. No school refused inspection of record relating to fee structure and facilities provided by them. In token of their agreement the committee visited the four schools. The facilities provided by these schools were of good standard.
5. All the schools shall follow all the provisions of Haryana School Education Act, 1995 and Rules, 2003 and instructions issued by the Government from time to time.
6. Though a detailed comparative assessment of fee charged and facilities provided at this moment can not be made. However, the management would submit their proposal of fee structure in the coming academic session before the PTA meeting as per the guidelines of the CBSE and change will be made as agreed jointly by managing committee and the PTA. Any anomaly/discrepancy pointed out will be resolved by the department as per law. All such decision will be conveyed to the DEO, Faridabad for necessary action.
7. Two schools namely Harman SOS, Air Force school were not present in the meeting. However, the information supplied by them is available in the office.

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The fee structure supplied by these schools is at Annexed-R- 2.

8. The three schools de-recognized vide letter No. 7/75-97 PS (1) dated 23-10-2006 made appeal before the Financial Commissioner and Principal Secretary to Government of Haryana, Education Department, against the orders of Director. The appellate authority set aside the orders of Director with the under taking given by all these schools that they will make available all their records and will follow the provisions of Haryana School Education Rules 2003. The fee structure of these schools and inspection will now be carried out shortly.
9. The provisions of Haryana School Education Rules, 2003 are reproduced below: -
 - “158 (1) Notifying fees and funds. Sections 24 (2), 15,16 and 17— The fees and funds to be charged from the pupils shall be notified by every Recognised school.
 - (2) The manager of every recognised school shall submit the detail of the minimum facilities being provided and the maximum fee charged in form VI. He shall before the commencement of the each academic session, file with the department the full statement of the fees and all types of funds levied by such school during the ensuing academic session justifying it. No such school shall charge any fee in excess the fee/ funds specified by

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the manager in the said statement during the academic session. Each school shall submit Performa duly filled in by 1st January of every year to the appropriate authority which shall publicly display these details. Such charges can only be levied after these have been displayed in its wamper.

- (3) No other charge such as capitation fee shall be taken from the children/parents.”

A combined reading of these rules alongwith section 15,16 & 17 of Haryana School Education Act, 1995 indicates that the Director, is not competent to fix the fee structure of these schools but he can certain ensure transpency in the fee structure bringing it in public domain. All the respondent schools have now agreed to follow the provisions of Haryana School Education Rules, 2003 and to provide details of fee structure every year to the Director or his representative as per the proceedings at Annexed-R-1.

I therefore, order that all these schools shall provide fee structure every year to the Director, or his representative under the provision of Rule, 158. The concerned District Education Officer as well as the schools shall make available the fee structures of these schools to any member of public on demand. Any violation will make the concerned school(s) liable them for action under Rule 43 of Haryana School Education Rules 2003. These orders be sent to all the DEOs in Haryana for strict compliance and wide publicity for attention and compliance by all recognized schools running in the state.

Sd/-
Anil Malik
Director School Education,
Haryana, Chandigarh

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To

All respondent schools (as per list).

Endst. No. Dated, Chd. The 10-1-2007

A copy is forwarded to the District Education Officer, Faridabad to give wide publicity to fee structure etc. supplied by these 21 schools and ensure fee charged by these schools are according to the statement supplied by them.

Sd/-
Assistant Director (S)
for Director School Education,
Haryana, Chandigarh

Endst. No. Dated, Chd. The 24-1-2007

A copy is forwarded to All District Education Officers in the State. They are requested to collect the fee structure from the recognized schools affiliated with Haryana School Education Board or CBSE or any other Board running in their respective District and give wide publicity of fee structure etc. supplied by these schools. The District Education officer shall make available the fee structure of the concerned schools to any member of public on demand and also ensure that the fees charged by these schools are in accordance with the statements supplied by them.

Assistant Director (S)
for Director School Education,
Haryana, Chandigarh

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1. St. Anthony's Sec. School Sec.9, NIT Fariadbad
2. St.Joseph's Convent School Sec.5, NIT, Faridabad.
3. K.LMehta Dayand Public School, sec.16 Faridabad
4. Udaya Bharti, Public School Sec.14 Faridabad.
5. St. John School, A block Sec.7 Faridabad.
6. DAV Public School , Sec.14 Faridabad.
7. Geeta Bal Niketan Sr.School 3E/Park, NIT Faridabad.
8. Herman Gemeiner School Sec. 29 Faridabad.
9. Carmel, Convent School Sec.7-D Faridabad.
10. Aggrawal Public School, Ballabgarh, Faridabad.
11. K.L.Dayanad Public School No.1Nehru Ground, NIT Fbd. 12 Air Force School, c/0 56 ASP Faridabad
13. Rama Krishan Public School Vivekanand Ashram, Fbd.
 - (i) St. Thomas School Sec.8 Near Market, Faridabad.

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15. B.N Public School Badrinath Mandir,
NH-2C Faridabad.
16. Divine Public School, Sec.11-B
Faridabad.
17. Tiny Tots High School, Sec.19/ 1173
Faridabad.
18. Sh.Taru Ram Arya Kavya Uchatam
Madhmik Vidyal

Bhimsain colony, Ballabgarh
Faridabad.
19. St. Abbans School. Sec.15 Faridabad.
20. Gold Field Public School Sec.21-A NIT,
Faridabad
21. DPS Faridabad

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Subject: **CWP No. 8094 of 1997- Closure of Private Schools running in residential buildings.**

This matter relates to closure of private schools running in residential building and buildings not earmarked for schools in compliance of orders passed by Hon'ble High Court in CWP No. 8094 of 1997 titled as Vinod Kumar Vs. State of Haryana.

The relevant part of court judgment is reproduced as under: -

Orders dated 03.09.2004

The case came up for hearing on 3.9.2004, the Hon'ble court called the Education Secretaries of all the three States namely Punjab, Haryana Chandigarh and Chief Administrator, PUDA/HUDA in person and gave directions as under:-

“that all the schools which are operating from residential premises should be positively closed down by 30.4.2005 and no extension of any sort should be given to any school and further instructed to Shri Chhatwal and Shri D.Suresh that they should instruct their officer to prepare comprehensive statements and placed the same before the Court on the next date of hearing giving the particulars of the schools which are being run in residential building and against the norms laid down by the Govt.”

Orders dated 11.02.2005

“Sarv Shri Deepak Sharma, Jaswant Singh and Ms. Rita Kohli have

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produced before the Court statements showing the number of vacant seats in different Government schools in the two States and Union Territory, Chandigarh. The statements are taken on record.

Having gone through the contents of the statements furnished by the learned counsel, we direct the concerned authorities of the Education Department of the two States and Union Territory, Chandigarh to issue a public notice and get the same published in leading newspapers of Punjabi, Hindi and English languages giving the number of vacant seats in Government schools so as to enable the parents of the students admitted in the private schools that their wards can be admitted in Government schools as a result of closure of the private schools unauthorisedly running in residential premises. The required notices be published within a period of 15 days from today.

The case be listed on 28.2.2005.

In the meanwhile, the governments of the two states and Administration of Union Territory, Chandigarh should ensure that adequate number of teachers are available in Government schools for teaching the students, who are likely to be admitted in the session 2005-2006.”

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Orders dated 01.03.2005

We have heard the learned counsel for the parties.

Mr. Shallender Sharma, Advocate has pointed out that despite the orders of the Division Bench dated 3.12.2004 the petitioner school has not been given alternative land for the purpose of construction of a school building, although they have been called upon to shift the school from the present premises. Mr. Aman Chaudhary, the learned counsel appeared for HUDA states that all schools were invited to participate in an auction but the petitioner did not do so and in that situation, he cannot raise a grievance before this Court. Mr. Sharma appearing for the petitioner while admitting that the auction had been held stated that the place for the plots has been exorbitantly fixed and it was not possible for school to bid in the open auction for the sites. He also says that in view of this development, the petitioner would file a writ or take recourse to such other proceeding that may be open to him challenging the price fixed for the sites. As far as the State of Haryana is concerned, communication dated 24.10.2004 from the Director Secondary Education to the Advocate General shows that alternative arrangements are being

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made or have been made to adjust children studying in private schools, Government schools or aided schools. Mr. Ashok Aggarwal also states that a policy for allotting school sites would be formulated within a reasonable time.

Mr. Deepak Sharma, Advocate appearing for the Union Territory makes a statement in terms of the statement of Mr. Ashok Aggarwal. Mr. Amol Rattan, DAG appearing for the State of Haryana states that a policy has been formulated for the allotment of school sites.

We are the opinion that as this matter has been pending for the last more than 8/9 years, the matter should be finally closed. We, however, direct the petitioner and respondents to comply the stipulations/directions given by the Court during these proceedings from time to time.

Writ petition is accordingly dispose of as infrustuous.

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From

Financial Commissioner & Principal Secretary to
Govt. of Haryana, Education Department
Chandigarh

To

1. Director Secondary Education,
Haryana, Chandigarh.
2. Director Primary Education, Haryana,
Chandigarh.

Memo No. 20/1-96 S-I (4)

Dated, Chandigarh, the 9.5.2005

**SUBJECT: - CWP NO. 8094 OF 1997 REGARD-
ING RUNNING OF PRIVATE
SCHOOLS IN RESIDENTIAL
BUILDINGS.**

Kindly refer to the above subject.

I am directed to say that the Hon'ble Punjab and Haryana High Court in CWP No. 8094 of 1997 has directed the State of Punjab and Haryana and Chandigarh Administration to close down Private Schools running in residential buildings and buildings not earmarked for schools by 30.4.2005. The field offices and Association of Private Schools raised some doubts in application of Court orders in Rural, Urban Areas and HUDA Colonies. It has been decided as follow: -

- a. Regarding schools running in residential premises in the areas developed by HUDA:**

In the colonies developed by HUDA, there is clear distinction between residential and commercial buildings. Even sites have specifically been earmarked for schools. There is a provision for resumption of the site/

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building if the same is being used for a purpose other than for which it was allotted. Therefore, there should be no difficulty in closing down schools operating from residential buildings/premises or the building not earmarked for schools in the HUDA colonies.

b. Regarding schools running in Municipal Areas:

In so far as the schools running in the municipalities are concerned, we have to exercise caution because in the Municipal Act, there is no clear distinction between a residential building or a commercial or a school building. It is only the word 'building' which has been defined in sub-section(2) of section 2 of the Haryana Municipal Act. In Haryana Municipal Building Bye-laws, 1982, however, there is a classification of buildings based on occupancy. As per bye-law 2(xiv), all buildings whether existing or hereafter erected have been classified according to the use or the character of occupancy as residential building, public buildings, commercial buildings, warehouses and industrial buildings. Residential building means a building used or constructed or adopted to be used wholly or principally for human habitation and includes all garages, stables and other houses appertinent thereto. Public building would include a building used or intended to be used either ordinarily or occasionally ascollege, school..... . This classification in the bye-laws has been made purposely. Bye-law 13 provides that type and character of building including ancillary building that may

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be erected or re-erected on a site and the purpose for which this may be used shall not be other than that shown in the 'area plan' or the 'approved lay out plan' and where the site does not form a part of such an area plan of lay out plan, the use shall be in conformity with the use of the surrounding area and the decision of the committee shall be final in that respect.

In so far as the buildings/premises forming part of an area plan or the approved lay out plan are concerned, there would be no difficulty. If the type and character of a building does not match the type and character earmarked in the 'area plan' or the 'approved lay out plan' or if a building is being used for a purpose other than what has been provided in the 'area plan' or the 'approved lay out plan', action under section 204 or section 208 of the Municipal Act, as the case may be, would be competent.

However where the site does not form part of an 'area plan' or 'approved lay out plan', the Committee shall have to see if the use of the premises/buildings is in conformity with the use of the surrounding area. For that purpose, the Committee shall have to take a conscious decision keeping in mind the type and character of the area and the time since when a particular building/premises is being used for a particular purpose. In case the committee finds that the use of a particular building/premises is not in conformity with the use of the surrounding area, it would be competent to issue directions to stop such use and on violation of the directions, action under sections 208 and 223 of the Municipal Act could be taken.

c. Regarding Schools running in Rural Areas:

In so far as rural areas are concerned, there is no distinction between a

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residential, commercial, public or a school building. No site plan is required to be sanctioned for erecting or re-erecting a building in a rural area. Therefore, it would be difficult to direct the schools running from a so-called residential building/premises in the rural areas to close down. In other words, bringing the schools operating in rural areas within the purview of the directions of the Hon'ble High Court would not be proper.

d. Regarding Schools running in Slum areas:

The schools running in slum areas or illegal colonies have no sanctity. Therefore, the schools running in slum areas or illegal colonies have to be closed down but care needs to be taken to ensure that a general decision for the removal of illegal colonies/slum areas is first taken. Otherwise, it may not be legal or possible to single out a particular building.

e. Regarding Creche:

A crèche is a nursery where children are cared for while their mothers/parents work. Therefore, strictly speaking, a crèche would not be a school. By very nature of its function, a crèche would be required to be operated from a residential building unless a specific provision is made otherwise. Therefore, it appears that the direction of the Hon'ble High Court would not cover crèches.

4. It was also decided that the norms as laid down in Haryana School Education Rules, 2003 be

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expeditiously reviewed in consultation with private school managements keeping in view the realities at the ground level and also the health, welfare and safety aspects of the students.

You are requested to inform all concerned accordingly and ensure the compliance of directions of the Hon'ble Court.

Under Secretary Education
for Financial Commissioner & Principal Secretary
to Govt. of Haryana, Education Department

Endst No. Even Dated, Chandigarh, the 9.5.2005

A copy is forwarded to the following for information and necessary action: -

1. All Deputy Commissioners in the State of Haryana.
2. District Education Officer in the State of Haryana.
3. District Primary Education Officer in the State of Haryana.

Under Secretary Education
for Financial Commissioner & Principal Secretary
to Govt. of Haryana, Education Department

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From

Commissioner & Director General
School Education, Haryana,
Chandigarh

To

- (i) Secretary
Haryana Board School Education,
Bhiwani
- (ii) All District Education Officer
in the State

Memo No. 8/43-2004 SI (1)

Dated, Chandigarh, the 25.05.2006

Subject: - One year extension for the current academic session 2006-07 to temporary recognized and provisionally affiliated private schools to allow their students to appear as regular students in the Board Examination as has been done in the year 2003-04, 2004-05 and 2005-06.

1. The Govt. of Haryana has decided to give one year extension to temporarily recognized by Education Department and provisionally affiliated with the Board of School Education Haryana, Bhiwani in the State to allow their students to appear in the Board Examination during the current academic session 2006-07 as regular students as has been allowed in the year 2003-04, 2004-05 and 2005-06. As the norms under Haryana Education Rules are in the process of revision so keeping in view the

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interest future of the students, this relaxation has been given subject to the condition that these schools will have to seek permanent recognition before 31.03.2007

2. Students of these schools which have got the students admitted merely on the basis of permission to establish or start a new school, without recognition and affiliation, will appear in the Board Examination under the "OPEN SCHOOL SCHEME". The syllabus, course curriculum, pattern of examination, date of examination, certificate etc. of the open school candidates is the same as that of regular students appearing in the Board Examination.
3. The date of collection and submission of examination forms fixed by the Board of School Education, Haryana, Bhiwani has also been extended by 15 days in each category earlier fixed by the Board.

All the District Education Officers are directed as under:-

1. During the current year also the DEO's will countersign Admission & Withdrawal Register and Examination Forms of the Board pertaining to students of private schools which were given temporary recognition and provisional affiliation by the Board, allowing students to appear as regular students during the year 2003-04, 2004-05 and 2005-06. It is to be done only in respect of Board Examination upto the class which the school

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was temporarily recognized and provisionally affiliated.

2. No DEO shall countersign examination admission forms of the Board for the schools which have got only permission to establish a school and have not been recognized so far.
3. For schools which were already recognized upto a certain stage, their Admission & Withdrawal Register and Examination Forms of the Board, will be counter signed only upto the stage of their recognition. In schools where permission to start higher classes have been given but such higher stage has not been recognized, in counter signatures would be done by DEO's regarding Admission & Withdrawal Register and Examination Forms of the Board upto the recognized stage and NOT in respect of classes for which recognition has not been granted.
4. These instructions be followed meticulously and any violation would be viewed seriously and may result in criminal action apart from disciplinary proceedings.

The permission to set up a school or start new classes is only 'in-principle' approval of the department to allow schools to initiate steps and to provide infrastructure to setup the school or to start new classes. On fulfillment of certain norms in the interest of Safety Health and Welfare of students as laid down in the Haryana School Education Rules 2003, the recognition is granted by the department. Only on fulfillment of requisite norms and getting

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affiliation, the students may be admitted by the schools. Students of such schools on affiliation by the Board may appear as regular students.

You are therefore requested to bring these instructions to all concerned schools accordingly.

Deputy Director (PS)
for Commissioner & Director General School
Education, Haryana, Chandigarh

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From

Financial Commissioner &
Principal Secretary to
Govt. of Haryana, Education Department
Chandigarh

To

1. Director Secondary Education, Haryana,
Chandigarh.
2. Director Primary Education, Haryana,
Chandigarh.

Memo No. 8/9-2007 PS (3)

Dated, Chandigarh, the 6.4.07

Subject: - Demands of private schools running in
the State for further relaxation and
clarification regarding amended
Haryana School Education Rules, 2003.

Kindly refer to the above mentioned subject.

I am directed to say that the Government of
Haryana has decided to grant relaxation in various
norms prescribed for private schools under the
amended Haryana School Education Rules, 2003
keeping in view the interests and needs of private
schools. It has been decided as follow:-

1. PERMANENTLY RECOGNIZED SCHOOLS:

All those schools that were permanently
recognized before 30th April, 2003 will not have to
seek any fresh recognition or NOC from the
Education Department as provided under rule 38.
They will, however, have to submit returns
regarding their land and building in an amended
form-II for record purposes.

2. DEFINITION OF EXISTING SCHOOLS:

The benefit of relaxed rules/norms for existing

Important Instructions/Court Cases

schools which was earlier granted for existing schools before 30th April, 2003 is now extended to schools existing upto 31.3.2007. The categories of such schools are given below:-

- i The Schools temporarily recognized by Education Department or temporarily affiliated with Haryana Board of School Education, Bhiwani till 31st March, 2007.
- ii Un-recognized schools who provide proof of their being in operation for a period of last four years (upto 31-03-2007) by documents such as Electricity Bills, Water Bills, Telephone Bills, records of establishment of school, as private candidates in public examination, admission forms and withdrawal register, enrolment forms, ownership or lease records of school land, proof of internal examination, Income Tax documents and registration deed of societies under the Societies Registration Act. This category of un-recognized schools would be given relaxation only upto class 8th. These documents should pertain to the last 4 years. They should prove to the District Education Officer that the concerned unrecognized school was in existence and doing academic work since the last 4 years.

3. COVERED AND OPEN AREA RATIO:

The covered/open area ratio would be applicable as per the existing norms of the concerned Local Body and Town & Country Planning Department as applicable.

4. FACILITY OF USING PLAY GROUND OF GOVERNMENT SCHOOLS:

A policy will be made to allow private schools the facility of using play-grounds of Govt. schools within one kilometer range. An appropriate policy will be issued separately.

Important Instructions/Court Cases

5. STAIR CASE:

The linear distance along the building between two staircases would not be more than 100 feet, instead of 40 feet as at present.

6. DATE OF APPLICATION:

On the request of the schools' associations, it was also decided that private schools can apply to the concerned District Education Officers till 10th April, 2007 along with relevant documents.

Necessary amendments in the Haryana School Education Rules, 2003 will be made in due course.

**Special Secretary Education
For Financial Commissioner & Principal Secretary to
Govt. of Haryana, Education Department
Chandigarh**

Endst. No. 8/9-2007 PS (3)

Dated, Chandigarh the 6.04.07

A copy is forwarded to the following for information and necessary action:-

1. Chief Secretary to Government of Haryana (Cabinet branch) w.r.t U.O No.9/196/2003-2 Cabinet Dated 20.12.2006.
2. All Deputy Commissioners in the State of Haryana.
3. All Additional Deputy Commissioners in the State of Haryana.
4. All District Education Officers in the State of Haryana. They are requested to receive all applications for recognition and arrange inspection. The inspection report be forwarded to the appropriate authority immediately.

Important Instructions/Court Cases

5. All District Elementary Education Officers in the State of Haryana.
6. All Block Education Officers in the State of Haryana.
7. All Associations of private schools as per list.
8. PS/OSD-II/CM.
9. Senior Secretary/EM.
10. Senior Secretary/FCPL

**Special Secretary Education
For Financial Commissioner & Principal Secretary to
Govt. of Haryana, Education Department
Chandigarh**