

GOVERNMENT OF NATIONAL CAPITAL TERRITORY DELHI

DIRECTORATE OF EDUCATION: SCHOOL BRANCH

OLD SECRETARIAT: DELHI-110054

No. DE.23 (**363**)/Sch.Br./21/ **349**

Dated: **15/7/2021**

CIRCULAR

Sub: Provisional Admissions in all Classes of Govt. Schools of Directorate of Education, GNCT Delhi for the Session 2021-22 without TC/SLC

In continuation with the circular No. DE.23(363)/Sch.Br./2020-21/737 dated 16.10.2020 (copy enclosed), it is reiterated that in view of the hardships faced by parents / students due to COVID-19 pandemic the provisions of above circular have been extended for all Classes (where Transfer Certificate/School Leaving Certificate is required) for the Academic Session 2021-22.

Therefore, no provisional admission in any class shall be denied to the student who has been allotted Govt. School of Directorate of Education if parents are unable to provide TC/SLC from the previous private recognised school under Directorate of Education.

Rest of the contents of the aforesaid circular remain unchanged.

This issues with the approval of Competent Authority.


DDE (School)

DE.23 (**363**)/Sch.Br./2021/ **349**

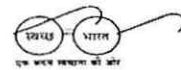
Dated: **15/7/2021**

Heads of all Govt. Schools under Directorate of Education, GNCTD through DEL-E.

Copy to:-

1. PA to Director (Education).
2. All RDEs, DDEs (District/Zone) to ensure compliance.
3. System Analyst (MIS) for uploading on MIS.
4. Guard File.


OSD (School)



GOVERNMENT OF NATIONAL CAPITAL TERRITORY DELHI

DIRECTORATE OF EDUCATION: SCHOOL BRANCH

OLD SECRETARIAT: DELHI-110054

DE.23 (363)/Sch.Br./2020-21/ 737

Dated: 16/10/2020

CIRCULAR

Sub: Provisional Admissions in various Classes of Govt. Schools of Directorate of Education, GNCT Delhi for the session 2020-21.

We are aware that the COVID-19 pandemic had adversely impacted the health and livelihood opportunities of masses. The economic crisis caused by COVID-19 and related problems have rendered many parents unable to pay the outstanding fee in respect of their wards. It has been observed that many private schools are denying to issue Transfer Certificate (TC) / School Leaving Certificate (SLC) to students whose fee is outstanding. Hon'ble High Court in WPC 6658/2019 & CM APPL. 30816/2019 has ordered vide para 6 (order dated 11.07.2019, copy enclosed) that *".....looking to the provisions of the DSEAR, 1973, enacted under the Delhi School Education Act, 1973 the respondent No. 2 cannot withheld the School Leaving Certificate on the ground that the school fees are yet to be paid by them"*.

It was already decided in the Coordination Committee meeting held on 03.10.2020 (minutes circulated vide No. PS/DE/2020/188 dated 03.10.2020) that:

- No admission from Classes VI to VIII shall be denied just because parents cannot produce SLC/TC/Age Proof etc. Please refer to Sections 4 & 14 and Rule 13 of RTE Act & Rules 2009-10.
- Provisional Admission be granted in Classes IX & XI to students of private unaided recognised schools, in case, they (students) fail to produce SLC/TC at the time of admission in govt. schools, so that students do not have to miss online classes. Such students can provide TCs later.

Also, lot of complaints are still being received that students are not getting admission in the Govt. Schools of Directorate of Education for the want of Transfer Certificate (TC) / School Leaving Certificate (SLC).

In view of the above, the following guidelines for the session 2020-21 are to be adhered to while processing the requests of all such students who are unable to submit the TC / SLC at the time of admission:

- a) Provisional admission is to be given to all students who have been assigned to a Govt. School on the basis of his/her application through online admission process

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and who have passed previous Class from a Private Recognised School under Directorate of Education but unable to produce the School Leaving Certificate at the time of admission. The student module on MIS shall be modified accordingly to enable the provisional admission of such students.

- b) The Head of School shall accept the other documents (like marksheet etc.) in place of School Leaving Certificate (SLC) which substantiate the fact that the concerned student has passed the previous Class from a Private Recognised School under Directorate of Education. Also, an application stating the reason for refusal of issue of SLC by the previous School (Private Recognised School under Directorate of Education) shall also be obtained from the student / parent.
- c) The Head of School shall share the complete details of all such cases with the concerned DDE (District) under whose jurisdiction the school refusing to issue SLC is situated.
- d) Concerned DDE (District) shall ensure that SLC is issued to all bonafide students by the concerned Private Recognised School in light of the above mentioned order of Hon'ble High Court of Delhi.
- e) In case, it is found at any stage in the above process that a fraudulent claim / forged documents have been submitted by the student / parent the same shall be reported to the concerned Head of Govt. School where the student has been granted provisional admission. In such case, the Head of Govt. School shall cancel the provisional admission of that student.

This issues with prior approval of the Competent Authority.

Signature
16/10/2020
DDE (School)

Encl: As above.

Heads of All Govt. Schools under Directorate of Education through DEL-E.

DE.23 (363)/Sch.Br./2020-21/737

Dated: 16/10/2020

Copy to:-

1. Secretary to Hon'ble Dy. CM/MoE.
2. PA to Principal Secretary, Education.
3. PA to Director, Education.
4. All RDEs, DDEs (Districts/Zone) for ensuring compliance.
5. System Analyst (MIS) for uploading on MIS.
6. Guard File.

Signature
OSD (School)

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6658/2019 & CM APPL. 30816/2019

COURT ON ITS OWN MOTION

..... Petitioner
Through Mr.Ashok Aggarwal, Amicus
Curie

versus

DIRECTORATE OF EDUCATION & ANR.

..... Respondents
Through Mr. Satyakam, ASC for
GNCTD/R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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11.07.2019

1. This writ petition, Court on its own Motion, which is received by this Court on 30th April, 2019 by an email, has been treated as a Public Interest Litigation (PIL).

2. Mr. Ashok Aggarwal, who has been appointed as an Amicus Curie by this Court, has stated that Respondent No.2 school is not giving the School Leaving Certificate (SLC) for two students, namely, Kartik, aged about 9 year, who has studied upto class 3rd and Priyansh, aged about 5 year, who has completed his pre-primary school.

3. Even if the fees of Respondent No.2 School are yet to be paid by the students, Respondent No.2 is duty bound to give the School Leaving Certificate under the Delhi School Education Act & Rules, 1973 (hereinafter referred to as "the DSEAR, 1973").

4. Withholding of School Leaving Certificate is not permissible much less under Rule 167 of the DSEAR, 1973.

5. Learned counsel appearing for Respondent No.2 School submitted that the first student, namely, Kartik has to pay Rs.31,905/- as outstanding amount of school fees and the second student, namely, Priyansh has to pay Rs.68,426/- as outstanding amount of school fees towards Respondent No.2 and hence the School Leaving Certificates of both these students have not been granted by Respondent No.2.

6. Having heard learned counsels for both sides and looking into the facts and circumstances of the case, and also looking to the provisions of the DSEAR, 1973, enacted under the Delhi School Education Act, 1973, the Respondent No.2 cannot withhold the School Leaving Certificate either of student Kartik or of student Priyansh, on the ground that the school fees are yet to be paid by them.

7. As per Rule 167 of the DSEAR, 1973, for the non-payment of school fees, the name of the students can be struck off from the rolls of the school. The School Leaving Certificate cannot be withheld therefor, by Respondent No.2.

8. There are methods of recovering the outstanding school fees with the school. Even a suit could have been filed by Respondent No.2 upon the parents of the students, which has not been done so far. No such suit has been instituted by Respondent School for the recovery of outstanding fees.

9. In view of these facts, this Court is of the opinion that the School Leaving Certificates cannot be withheld by the respondents.

10. We, therefore, direct Respondent No.2 School i.e. Kulachi Hansraj Model School, Ashok Vihar, Phase-3, New Delhi, to give School Leaving Certificates to students Kartik and Priyansh, both S/o Sh. Kapil Sharma, R/o 389, Ashok Vihar, Phase 1, Block H, Near Gurudwara, New Delhi, within a period of two weeks from today.

11. With these observations, this writ petition is disposed of.

12. CM APPL. 30816/2019 is dismissed as not pressed.

Dasti.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 11, 2019

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