

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

MRS. INDRA & ANR

...PETITIONERS

VERSUS

GOVT. OF NCT OF DELHI & ANR

...RESPONDENTS

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Note: Advance Service is made to Respondent No. 1 and 2 through contact person Ms. Bhawana Kataria, Advocate (Mobile No. 8588089272) and through email: standingcounselgnctd@gmail.com Respondents No. 1 & 2 served by Email Complete Writ Petition along with Annexures.

Note: As the matter is urgent in nature, kindly list as it is at my risk.

THROUGH


(GARIMA SHARMA)

ADVOCATE FOR THE PETITIONERS
13, RING ROAD, FIRST FLOOR,
LAJPAT NAGAR -110024

PHONE: 26441414, 26441313, 9711561714

Email: garima9124@gmail.com

New Delhi

Dated: 08.07.2020

1

IN THE HIGH COURT OF DELHI AT NEW DELHI
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URGENT APPLICATION

To,

The Deputy Registrar
High Court of Delhi
New Delhi

Sir,

Kindly treat the accompanying Writ Petition as an urgent one in
accordance with the High Court Rules and Orders

The grounds of urgency are: - "as prayed for"

THROUGH


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MRS. INDRA & ANR

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...RESPONDENTS

Sir,

The enclosed Writ Petition in the aforesaid matter is being filed on behalf of the Petitioners and is likely to be listed on 10.07.2020 or any date, thereafter. Please take notice accordingly.

THROUGH

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COURT FEES

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4

MRS. INDRA & ANR

...PETITIONERS

VERSUS

GOVT. OF NCT OF DELHI & ANR

...RESPONDENTS

1) Mrs. Indra

...PETITIONER No.1

2) Mrs. Vijay Chandra

...PETITIONER No.2

VERSUS

...RESPONDENT No.1

...RESPONDENT No.2

THROUGH

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GOVT. OF NCT OF DELHI & ANR

...PETITIONERS
...RESPONDENTS

CERTIFICATE OF NON-FILING

Most respectfully Showeth: -

That the Petitioners hereby declare and certify that they have not
filed any other or similar petition in the High Court of Delhi or any
other Court throughout India.

THROUGH


(GARIMA SHARMA)
ADVOCATE FOR THE PETITIONERS
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PHONE: 26441414, 26441313, 9711561714
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New Delhi
Dated: 08.07.2020

SYNOPSIS

The petitioners vide present writ petition, have challenged the impugned circular dated 01.07.2020 wherein the Respondents have wrongfully and arbitrarily issued instructions for the re-constitution of School Management Committees by way of online draw of lots, thereby, enforcing a mechanism completely contrary to the spirit of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as RTE Act), which mandates and envisions parent/ guardian members to be elected and constitute the SMC's through the active participation of the community.

The Petitioners being aggrieved by the said circular, have approached this Hon'ble Court, by virtue of the present Writ Petition under Article 226 of the Constitution of India, seeking quashing of the impugned circular dated 01.07.2020 issued by the Respondents and have further sought directions upon the Respondents so as to restrain them from re-constituting SMC's through lottery system thereby restraining them from enforcing and implementing the impugned circular.

The matter involves grave urgency as the impugned circular has notified the date 08.07.2020 as the last date for filing nominations and has further notified 11.07.2020 (three days after 08.07.2020) to declare results and constitute SMC's for the term 2020-2022.

LIST OF DATES

| Date | Particulars |
|------------|---|
| 2002 | Article 21A was inserted in the Constitution of India by the Constitution (Eighty Sixth Amendment) Act, 2002 wherein it was provided that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State, by law, provides. |
| 2009 | The Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as RTE Act) was enacted to implement the provision of Article 21A of the Constitution. |
| 01.04.2010 | <p>The RTE Act came into force on 01-04-2010 vide S.O. 428(E), dated 16th Feb, 2010, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 19th February, 2010.</p> <p>In terms of Section 21 of the RTE, Act, a school (other than an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate government or the local authority) shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers.</p> |
| 2011 | In exercise of the powers conferred by Section 38 of the RTE Act, the Government of Delhi, notified the Delhi Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as RTE Rules). |

| | |
|------------|--|
| | School Management Committee is composed and functions under Rule 3 of the Delhi RTE, Rules, 2011. |
| 25.03.2013 | Government of Delhi vide circular dated 25.03.2013, issued Guidelines for composition of School Management Committee (SMC) under the RTE Act, wherein parent/guardian members were to be selected through election in the General body meeting of parents/guardians. Elections were notified for the School Management Committee for the term 2013-15. |
| 27.08.2015 | Government of Delhi, vide circular dated 27.08.2015, notified elections for reconstitution of the School Management Committee for the term 2015-17. |
| 06.11.2017 | Government of Delhi vide circular dated 06.11.2017, notified elections for reconstitution of the School Management Committee for the term 2017-2019. |
| 28.11.2017 | The SMC Election results were declared on 27.11.2017 and SMC's was constituted in all schools. |
| 28.11.2019 | The tenure of the SMC's being two years from date of constitution, expired on 28.11.2019. No SMC elections were held thereafter, neither any notification was issued to that effect. |
| 01.07.2020 | Government of Delhi vide circular dated 01.07.2020, issued instructions for reconstitution of the School Management Committee's across Delhi. As per the circular, the parents can file |

| | |
|------------|--|
| | <p>nominations by way of online centralized application form up till 08.07.2020 and amongst the eligible applicants shortlisted, the RTE Branch shall conduct an online draw of lots within 3 days of the closure of application date. i.e. by 11.07.2020.</p> |
| 08.07.2020 | <p>This procedure of reconstitution of SMC's by way of draw of lots instead of election is contrary to the intent and purpose of the RTE Act. Aggrieved by the circular dated 01.07.2020, present writ petition has been filed.</p> |

THROUGH


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ADVOCATE FOR THE PETITIONERS

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...RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA INTER ALIA FOR ISSUANCE OF WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS RESTRAINING THE RESPONDENTS FROM RECONSTITUTING SMC'S BY DRAW OF LOTS AND FURTHER RESTRAINING THE RESPONDENTS FROM ENFORCING CIRCULAR DATED 01.07.2020 BEING UNCONSTITUTIONAL, ARBITRARY, ILLEGAL, VOID, AND NON-EST IN THE EYES OF LAW;

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA IN THE NATURE OF CERTIORARI FOR QUASHING OF CIRCULAR DATED 01.07.2020 ISSUED BY THE RESPONDENTS BEING VIOLATIVE OF THE FUNDAMENTAL AND STATUTORY RIGHTS INCLUDING ARTICLE 14, 21 AND 21A OF THE CONSTITUTION AND THE RIGHT OF CHILDREN TO FREE AND COMPULSARY EDUCATION ACT, 2009

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION
JUDGES OF THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The petitioners vide present writ petition, have challenged the
impugned circular dated 01.07.2020 wherein the

Respondents have wrongfully and arbitrarily issued instructions for the re-constitution of School Management Committees by way of online draw of lots, thereby, enforcing a mechanism completely contrary to the spirit of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as RTE Act), which mandates and envisions parent/ guardian members to be elected and constitute the SMC's through the active participation of the community.

2. A School Management Committee represents the rest of the parent body and comprises of 75% of the SMC Members. States in India, including Delhi, over the last 10 years have followed processes which are transparent and which allow for the rest of the parent body to participate and have a say in choosing those who will represent them in the SMC. The impugned circular dated 01st July 2020 has proposed a method of choosing the parent members of SMC in a manner which is opaque and doesn't allow for the rest of the body to participate/ have a say in choosing who will represent them in the SMC. The parents chosen by this lottery method cannot be deemed to be the representatives of the rest of the parent community as nobody chose them. SMC's holds key responsibilities of administration, monitoring and oversight such as deciding where certain grants given to the schools will be spent. Such responsibilities make it all the more

important that the parents constituting the SMC members truly represent the rest of the parent body so that they can represent their concerns.

3. The Petitioners being aggrieved by the said circular, have approached this Hon'ble Court, by virtue of the present Writ Petition under Article 226 of the Constitution of India, seeking quashing of the impugned circular dated 01.07.2020 issued by the Respondents and have further sought directions so as to restrain the Respondents from re-constituting SMC's through lottery system thereby restraining them from enforcing and implementing the impugned circular.
4. The matter involves grave urgency as the impugned circular has notified the date 08.07.2020 as the last date for filing nominations and has further notified 11.07.2020 (three days after 08.07.2020) to declare results and constitute SMC's for the term 2020-2022.

Copy of the Impugned circular dated 01.07.2020 is marked as **Annexure-P1**.

INTRODUCTION TO PETITIONERS

5. The Petitioner No. 1 is an SMC Member of a Delhi Govt. School, Raghuveer Dayal Jan Kalyan School, Bhajanpura, Delhi-110053 and has served her term from 2017-2019 in the School Management Committee as an elected parent

member. Her son is studying in the present school since the past 3 years and is currently in 9TH grade. Petitioner No. 1 is a diligent and hardworking member of the SMC and has immensely contributed to the school development and growth. She has been an active part of the school affairs through her role as a member of the school SMC. Copy of particulars of School Management Committee of Petitioner No. 1 is marked as **Annexure-P2**.

6. Petitioner No. 2 is a parent whose child is also studying in class 9 of Raghuveer Dayal Jan Kalyan School, Bhajanpura, Delhi-110053. She is not an SMC member but as a responsible mother and parent, has voiced out her concerns and grievances before SMC member(s) who have further represented the concerns before school authorities.

7. THE BRIEF FACTS LEADING TO THE FILING OF THE PRESENT PETITION ARE AS UNDER:

- i. Article 21A was inserted in the Constitution of India by the Constitution (Eighty Sixth Amendment) Act, 2002 wherein it was provided that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State, by law, provides.

- ii. The Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as RTE Act) was enacted to implement the provision of Article 21A of the Constitution.
- iii. The RTE Act came into force on 01-04-2010 vide S.O. 428(E), dated 16th Feb, 2010, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 19th February, 2010.
- iv. In terms of Section 21 of the RTE, Act, a school (other than an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate government or the local authority) shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers. The section is quoted herein below for ready reference:

21. School Management Committee. —

(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that at least three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

Provided also that fifty per cent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely: —

- (a) monitor the working of the school;*
- (b) prepare and recommend school development plan;*
- (c) monitor the utilization of the grants received from the appropriate Government or local authority or any other source; and*
- (d) perform such other functions as may be prescribed.*

[Provided that the School Management Committee constituted under sub-section (1) in respect of, —

- (a) a school established and administered by minority whether based on religion or language; and*
- (b) all other aided schools as defined in sub-section (ii) of clause (n) of section 2,*
shall perform advisory function only.]

- v. In exercise of the powers conferred by Section 38 of the RTE Act, the Government of Delhi, notified the Delhi Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as RTE Rules). A School Management Committee is composed in terms of and functions as per Rule 3 of the Delhi RTE, Rules, 2011.
- vi. In 2013, Government of Delhi vide circular dated 25.03.2013, issued Guidelines for composition of School Management Committee (SMC) under the RTE Act, wherein parent/guardian members were to be selected through election in the General body meeting of parents/guardians.

Elections were notified for the School Management Committee for the term 2013-15.

vii. In 2015, Government of Delhi vide circular dated 27.08.2015, notified elections for reconstitution of the School Management Committee for the term 2015-17.

viii. In 2017, Government of Delhi vide circular dated 06.11.2017, notified elections for reconstitution of the School Management Committee for the term 2017-2019.

True Copy of Previous Circulars dated 25.03.2013, 27.08.2015 and 06.11.2017 issued by the Respondents is marked as **Annexure-P3 (Colly)**.

ix. The SMC Election results for the terms 2017-2019 were declared on 27.11.2017 and SMC's was constituted in all schools across Delhi.

x. The tenure of the SMC's being two years from date of constitution, expired on 28.11.2019. No SMC elections were held thereafter, neither any notification was issued to that effect.

xi. Government of Delhi vide impugned circular dated 01.07.2020, issued instructions for reconstitution of the School Management Committee's across Delhi.

As per the circular, the parents can file nominations by way of online centralized application form up till 08.07.2020 and amongst the eligible applicants shortlisted, the RTE Branch shall conduct an online draw of lots within 3 days of the closure of application date. i.e. by 11.07.2020. Thus, SMC's for the term 2020-2022, would be constituted by 11.07.2020
In terms of the impugned order.

- xii. It is this mechanism of reconstitution of SMC's by way of draw of lots instead of elections and community participation, which is contrary to the RTE Act. Aggrieved by the circular dated 01.07.2020, present writ petition has been filed. The impugned circular is liable to be set aside inter alia on the following amongst other grounds, all of which are being taken without prejudice to each other:

8. GROUNDS

- I. Because the Respondents have failed to appreciate the intent of enacting the RTE Act, 2009 and the purpose of constitution of SMC's u/s 21 of the Act. It is submitted thus that one of the foremost purposes of enacting the RTE, Act was to encourage public/community participation in school functioning and monitoring. The fact that the process outlined in the impugned circular dated 01.07.20 doesn't allow for parent participation in choosing who represents

them in an SMC is in direct contradiction of the aforementioned purpose. Petitioners rely upon the following sources to substantiate the necessity of community participation as envisaged in the Act:

- a) Relevant extracts from the 165th Law Commission report on Free and Compulsory Education for Children (Nov, 1988): As per clause 4.3, based on the studies undertaken in South Asian countries, the report observed that one of the mechanisms for increasing the demand for education is to ensure active community and parent participation. When parents are active in the educational process, their children are more likely to attend school. It further emphasized that decentralization is the key to improving education administration in South Asia.
- b) The Right of Children to Free and Compulsory Education Bill, 2008 proposed to be enacted, sought to provide for the following inter alia:
 - The duties and responsibilities of the appropriate Governments, local authorities, parents, schools, and teachers in providing free and compulsory education; and

- A system for protection of the right of children and decentralized grievance redressal mechanism

c) The Section wise clarification/rationale on provisions of the RTE Act, 2009 as issued by Ministry of Human Resource Development, Government of India provides the following explanation for section 21 of the Act:

“Section 21 provides for constitution and functions of a School Management Committee in certain categories of schools. The setting up of such Committees has been a recommendation of nearly all previous education commissions and policies. The reason is that if the community has to be involved in the vast school system of the country, and if the parents are to be recognized as primary stakeholders in the education of their children, they must be involved in a meaningful manner in the monitoring and management of schools. The RTE Act therefore envisages that parents would form a majority in the School Management Committees, which would also include elected members of the Panchayat and school teachers. There is reason to believe that like the mother’s committees that have functioned

exceptionally well in some parts of the country, the parent-dominated SMC's will lead to overall improvement of the schooling system."

(as available on the web link at https://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)

d) Para 4.4. of Chapter IV of the Evaluation Report No. 23/2017 issued by the Central Government with respect to the implementation of the RTE Act, observes as under:

"Rule 3 of the RTE Rules provides that the SMC constituted under Section 21 of the Act should be constituted in every school, except unaided schools within six months of implementation of the Act and be reconstituted after every two years. SMC acts as a critical bridge between community and the school, playing the additional role of providing oversight in schools to ensure all basic requirements of the school are being met."

(as available on the web link at https://cag.gov.in/sites/default/files/audit_report_files/Chapter_4_Monitoring_%26_Evaluation_of_Report_No.23_of_2017_%E2%80%933_Compliance)

ce audit Union Government Implementation of
Right of Children to Free and Compulsory E
ducation Act%2C 2009.pdf)

e) American India Foundation (AIF) 2011; School
Management Committee and The Right to
Education Act 2009 Resource Material for SMC
Training, observes as under:

“It is in this context that the Right of Children to Free and Compulsory Education, 2009 (RTE Act) is a landmark legislation. Many provisions have been made in the Act to ensure quality education for all children in the age group of 6-14 years. Specific provisions have been made for democratization of schools and for parents and local communities to play their due roles in shaping and running of the schools in the form of School Management Committees (SMC) and preparation of School Development Plan...

The school has to be viewed as a social organization, organically linked to the community. Community must have an effective say in the management of the school. Over the years, an almost complete disappearance of this space for the local community in managing schools, has significantly contributed towards the decline in the

school system. Under the RTE Act 2009, there is an attempt to restore this legitimate space, to the community. This is an opportunity; we must not lose. Under the RTE Act 2009, parents have been entrusted with certain powers through the SMC elected by them; proper exercise of the same can initiate a process of improving schools.

(as available on the web link at <https://aif.org/wp-content/uploads/2017/03/SMCBook1.pdf>)

- II. Because the RTE Act envisions the constitution of SMCs through community participation and elections are the best and perhaps the only method of effective community representation. Thus, it is submitted that in terms of the RTE Act, parent SMC members should be constituted democratically by way of elections amongst the parents who constitute 75% of total members of a committee. If we allow any other method of constituting SMCs like the lottery system, it would be unconstitutional and a violation of RTE Act, 2009. The impugned circular has adopted the lottery system for selecting parents' representative which is undemocratic and a violation of the law. A lottery system has never been adopted by any state/ UT to choose parent members of

anSMC. This act is offensive to the spirit of the Act and the Constitution of India.

- III. Because the Respondents have failed to appreciate that all states are adopting the process of elections for choosing parent members for an SMC. Copy of Circulars issued by various states with respect to constitution of SMC's by way of elections amongst parent/ guardians are marked as **Annexure-P4 (Colly.)**.
- IV. Because the Respondents have also acted contrary to their previous circulars with respect to constitution of SMC's in Delhi which clearly mandated that the parent members of the SMC be elected by the general body and wherein elections were conducted for the purpose of constituting the 12 parent members.
- V. Because the Respondents have diluted the provisions and intent of the RTE Act by way of the impugned circular in the garb of covid-19 pandemic. It is submitted that the outbreak of the virus is not a reasonable explanation for adopting lottery system for constituting SMC's which is otherwise an elected body. It cannot be the case of the respondents that

they were left with no option but to violate the law. Comparison can be drawn with the decision of the Punjab Government, which has issued circular dated 04.06.2020 and extended the tenure of the last SMC till 30.09.2020 and postponed the reconstitution due to the circumstances arising out of Covid-19. Similarly, it would not be incorrect to submit that SMC elections should be postponed by immediate effect at least for 6 months till the schools reopen and normalcy is restored. Meanwhile there should be a provision to extend the tenure of the existing SMC members. This is a more reasonable approach to the present circumstances as newly constituted SMC's will require training and support., while the previous SMC which is already equipped, will be able to support the administration during these difficult times. Reconstituting SMC's in the middle of the pandemic when lakhs of migrant workers whose children study in these government schools have moved out of Delhi with no signs of return any time soon, is not a reasonable approach.

Copy of the Circular dated 04.06.2020 issued by the Punjab Government along with typed and translated copy is marked as **Annexure-P5**.

VI. Because forming SMCs which are not made by a participative and transparent process will not truly represent the rest of the parent body as the rest of the parent body was not given an opportunity to have a say in deciding who represents them and who will represent their interests when it comes to key matters such as spending school grants or safeguarding right of all children. This can lead to unchecked gross violation of child rights and sidelining of interests of children. This further becomes a matter of grave concern as the SMC's have been granted enhanced powers vide circular dated 01.08.2016. Copy of Circular dated 01.08.2016 for enhancement of powers of SMC's is marked as **Annexure-P6.**

VII. Because the impugned circular is also bad in law for the following additional reasons:

a) It provides a small-time window of 7 days to apply for nominations, with no prior effort made to spread awareness about the nomination date, process, roles of an SMC member leaving many parent members excluded from the nomination process. Whenever elections are conducted the period of filing of nominations should be preceded

by significant efforts to spread awareness amongst parents about the reconstitution of SMC's, the nomination process and the roles and responsibility. The department should give adequate time and make efforts to spread awareness about the pertinent information and provide sufficient time to the communities to engage in the process.

- b) It provides for only online nomination which excludes all those parents who have no access to smartphones and internet facilities. It will have a greater impact on the participation of daily wage workers and women from marginalized and poor families. Whenever elections are conducted, there needs to be an offline method as well to apply to make the filing process as inclusive as possible. Teachers need to support parents in filing for the nomination in school. Having only an online medium as a medium of filing nominations excludes parents without smartphones and/ or internet access.

VIII. Because upholding of this impugned circular would encourage such mechanism to be followed by many other SMC's in other States and would also set a

wrong precedent for the coming years. This mechanism of constituting SMCs' would also discourage hardworking SMC members from putting in any substantial efforts for school development etc. as reconstitution would be based on lottery and not based on community choice and community votes.

IX. Because the Respondents vide impugned circular have issued instructions which are arbitrary, and thus the said action of the Respondents tantamount to violation of due process and justice, equity and reasonability as well.

X. Because the haste in which the Respondents are proceeding to select the SMC members by a lottery system reeks of malafide. The process is completely arbitrary and opaque and goes completely contrary to the intention of the RTE Act.

XI. Because the impugned circular is otherwise bad in law and liable to be set aside.

9. The Petitioners crave leave of this Hon'ble Court to submit other grounds at the time of hearing of the instant Writ Petition, in case certain other material points

would have been inadvertently missed by the Petitioners herein and that the same may be incorporated at later stage. For all the aforementioned reasons, the impugned orders are liable to be aside and the writ petition ought to be allowed.

CAUSE OF ACTION

10. The cause of action for preferring the present writ petition arose when the Respondents issued the impugned circular dated 01.07.2020, violating the RTE Act, 2009.

JURISDICTION

11. This Hon'ble Court has territorial jurisdiction to entertain and adjudicate the present case. The Respondents are State within Article 12 of the Constitution of India. Further, This Hon'ble Court has exclusive jurisdiction under Article 226 of the Constitution of India.

NON-FILING PARAGRAPH

12. That the Petitioners have not filed any other writ petition seeking same or similar reliefs previously either before this Hon'ble court or Hon'ble Supreme court.
13. That there is no other equally efficacious, alternative and speedy remedy available with the Petitioner except to approach this Hon'ble High Court under Article 226 of the Constitution of India.


14. The Petitioner humbly submits that the present writ is bonafide and has been made in good faith for the ends of justice.

PRAYER:

In view of the facts and circumstances of the present case, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- 1) Issue appropriate Writ, Order or Direction, in the nature of mandamus restraining the Respondents from re-constituting SMC's in the State of Delhi by way of draw of lots for the terms 2020-2022 and further restraining the Respondents from enforcing circular dated 01.07.2020 being unconstitutional, arbitrary, illegal, void and non-est in the eyes of law; and/or
- 2) Issue Writ, Order or Direction in the nature of certiorari and/or any other appropriate Writ, Order or Direction for the purpose of quashing of circular dated 01.07.2020 issued by the Respondents; and /or
- 3) Pass any other order which this Hon'ble Court deem fit in the Interest of Justice

THROUGH


(GARIMA SHARMA)
ADVOCATE FOR THE PETITIONERS
13, RING ROAD, FIRST FLOOR,
LAJPAT NAGAR -110024
PHONE: 26441414, 26441313, 9711561714
Email: garima9124@gmail.com

New Delhi
Dated: 08.07.202

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

MRS. INDRA & ANR.

...PETITIONERS

VERSUS

GOVT. OF NCT OF DELHI

...RESPONDENT

AFFIDAVIT

I, Mrs. Indra, W/o Shri Jitendra Bhardwaj, R/o House No. 154, Village Gamdi, Bhajanpura, Delhi-110053, aged about 31 years do hereby solemnly affirm and declare as under:

- 1) That I am the Petitioner No.1 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present writ petition has been drafted by my counsel under my instructions, the contents of list of dates, paras 1 to 13 of the Petition are true and correct to the best of my personal knowledge derived from records. The legal averments a paras 1 to 13 are based on legal advice received and believed to be correct. The prayer clause is the humble prayer to this Hon'ble Court.
- 3) That the contents of the writ petition be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.
- 4) That the annexures filed with this petition are true copies of their originals.

VERIFICATION

Jrnl 29

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Gair
IdentifiedJrnl 29
DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | VERSUS | ...PETITIONERS |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Vijay Chandra, W/o Late Shri Raju Trivedi, R/o House No. J 698, Gali No. ½, Kartar Nagar, South East Delhi, aged about 42 years do hereby solemnly affirm and declare as under:

- 1) That I am Petitioner No.2 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present writ petition has been drafted by my counsel under my instructions, the contents of list of dates, paras 1 to 13 of the Petition are true and correct to the best of my personal knowledge derived from records. The legal averments a paras 1 to 13 are based on legal advice received and believed to be correct. The prayer clause is the humble prayer to this Hon'ble Court.
- 3) That the contents of the writ petition be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.
- 4) That the annexures filed with this petition are true copies of their originals.

विज्ञापन-२३१

VERIFICATION

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Genuine
Identifiedविज्ञापन-२३१
DEPONENT

ANNEXURE-P-1

34

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
Directorate of Education, Right to Education Branch,
Room No. 252, Old Secretariat, Delhi-110054: Ph. 23890097
E-mail ID - rtedelhi@gmail.com

No. DE 23 (6)/RTE/2011/Part File-IV/117 129

Date: 01/07/2020

Circular

Subject: - Instructions issued for Re-constitution of School Management Committees (SMCs) in Schools-Reg.

Reference: Circular No.F.23 (6)/DE/RTE/2011/520-533 dated 25.03.2013 issued for Guidelines for the Composition of SMC in Schools under the RTE Act 2009 and its functions.

With reference to the subject and reference cited above, all the Heads of Schools of Delhi except of those specified in sub- clause (iv) of clause (n) of Section 2 of RTE Act 2009, are hereby informed that the period of the existing SMCs, is already over and now it has been decided by the competent authority to re-constitute the SMCs in all such schools. An active SMC at this point in time when the schools are closed due to COVID 19 is all the more essential to take the remote learning initiatives of the Directorate of Education to community.

In this connection, the following instructions are issued for inclusion of twelve numbers of parents & guardians as members of SMC along with other members for compliance by the Heads of Schools:

1. Online Centralized Application Form is to be filled up by willing parents. The Online application form is available on the site of Directorate of Education, Govt. of NCT Delhi at <http://www.edudel.nic.in/smcapplication2020> or at Janta Samvad site (<https://SMC.jantasamvad.org/SMC/>) of the Govt. of NCT Delhi.
2. The motivated and committed parents who are willing to support the schools in reaching out to children to not only prevent possible drop outs but also support learning as far possible during COVID 19 induced lockdown and also willing to contribute in preparing School Development Plan and to perform other functions of SMC are invited to apply online.
3. Only those parents or guardians are eligible whose children /wards are admitted in such school.
4. Only twelve numbers of parents/guardians of children admitted in such schools can become the member of each SMC. The criteria of short listing of the applicants will be the same as per the approved norms for the composition of SMC under which proportionate representation is to be given to the parents or guardians of children belonging to disadvantaged group and weaker section and provided also that fifty percent of members of such committees shall be women.
5. The parents/guardians are to fill up their online application form in which the willing parent can fill their basic details like name, residential address, contact No, Name of child, Class, & school of their child.
6. The last date for filling up the online application form and its submission by the parents/guardians is 08.07.2020.
7. In case the number of eligible applicants, as per norms, is more than 12 for any school(s), the RTE Branch shall conduct an online draw of lots within 3 days of the closure of application date. The list of shortlisted parents/guardians complied, as above, by the RTE Branch of Directorate of Education Delhi will be shared by the aforesaid Branch with the Heads of Schools for inclusion of such parents in SMCs of their respective schools.

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The Heads of Schools of Delhi are directed to take necessary action for the dissemination of the above said information to the parents/guardians of children admitted in their schools. The HoSs are further directed to take action to constitute SMC for inclusion of other remaining members as per guideline issued vide circular cited in the reference.

This issues with the approval of the competent authority

Mohinder Pal
01/07/2020
(MOHINDER PAL)
DDE (RTE)

Copy to:-

1. PS to Hon'ble Lt. Governor, Delhi
2. PS to Hon'ble Chief Minister, Govt. of NCT of Delhi.
3. PS to Hon'ble Minister of Education, Govt. of NCT of Delhi.
4. The Commissioner, East Delhi Municipal Corporation.
5. The Commissioner, North Delhi Municipal Corporation.
6. The Commissioner, South Delhi Municipal Corporation.
7. Chief Executive Officer, Delhi Cantonment Board.
8. Chairperson, New Delhi Municipal Council.
9. P.S. to Secretary, Education.
10. P.A. to Director of Education.
11. All Addl. Directors of Education/Regional Directors/District DDES/Eos/DEOs/Head of Govt./Govt. Aided Schools of Delhi through website of Directorate of Education.
12. OS(IT) to upload the above said circular in the category of Public Notice/Circular on the official website of the Department.
13. Guard File.

Mohinder Pal
01/07/2020
(MOHINDER PAL)
DDE(RTE)

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Back

ANNEXURE-P-2

| Particulars of School Management Committee(SMC) | | | | | | |
|--|-------------------|-------------------------------|----------------|--------------------|--|-------------|
| School particular details | | | | | | |
| SNo | Items | Information | | | | |
| i | District | North East | | | | |
| ii | DoE Zone | Zone-04 | | | | |
| iii | School Id | 1104012 | | | | |
| iv | School Name | Bhajanpura-G(Co-ed)SSS (RDJK) | | | | |
| v | School Address | Bhajanpura, Delhi | | | | |
| vi | School Management | Government | | | | |
| vii | School Level | Sr.Secondary | | | | |
| viii | School Gender | Co-Ed | | | | |
| List of SMC Members | | | | | | |
| A. Head of School(Chairperson of SMC) | | | | | | |
| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
| 1 | M. R. DAGUR | Male | VICE PRINCIPAL | Chairperson | 4/2385,G.NO.-11,BIHARI COLONY,SHAHDARA DELHI-32 | 9868276578 |
| B. Parents/Guardian Members(Vice Chairperson of SMC) | | | | | | |
| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
| 1 | Smt. Barkha | Female | N/A | Vice Chairperson | H. NO. B-20/2,G.NO.-2, Vth PUSTA GARI EXT., BHAJANPURA,DELHI-53 | 9899914982 |
| C. Parents/Guardian Members of SMC | | | | | | |
| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
| 1 | SHAKI MOHD SAIFI | Male | N/A | Member | D-901, JANKALYAN ROAD, BHAJANPURA, DELHI-53 | 9211374127 |
| 2 | SUSHIL KUMAR | Male | N/A | Member | V-267 KHAJUR WALI GALI NO-2 ARVIND NAGAR | 9971258575 |
| 3 | SEEMA | Female | N/A | Member | D-219,G.NO.-15,BHAJANPURA, DELHI-53 | 7838451915 |
| 4 | VINOD KUMAR | Male | N/A | Member | C-9/86, YAMUNA VIHAR,DELHI-94 | 9868138886 |
| 5 | NARENDRA KUMAR | Male | N/A | Member | D-493,G.No.12,Bhajanpura,Delhi-53 | 9968462316 |
| 6 | NAVEEN KUMAR | Male | N/A | Member | C-44/602,G.No.-17,Sudama Puri,Gamri,Delhi-53 | 9873638109 |
| 7 | POOJA GARG | Female | N/A | Member | B-4,G.NO.-4,GAMRI EXT.,BHAJANPURA, DELHI-53 | 9069160019 |
| 8 | INDRA | Female | N/A | Member | 154,NEAR OLD RATION OFFICE,GAMRI VILLAGE,DELHI-53 | 8447761147 |
| 9 | SUDARSHAN JHA | Male | N/A | Member | A-2/708,G.NO.-13, GAMRI EXT., BHAJANPURA, DELHI-53 | 9871233102 |
| 10 | MEENA VERMA | Female | N/A | Member | 510 TILOK DHAU YADAV, H.NO.-B-214,G.NO.-4,GAMRI EXT.,NEAR UNION BANK, DELHI-53 | 9318364677 |

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| | | | | | | |
|----|-------|--------|-----|--------|---|------------|
| 11 | MAMTA | Female | N/A | Member | H-13/9, G.NO.-22, JAIM PRAKASH NAGAR, GHONDA, DELHI | 9956806035 |
|----|-------|--------|-----|--------|---|------------|

D.Elected Representative of Local Authority Member of SMC(MLA)

| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
|-----|------------------|------|-------------|--------------------|------------------------------------|-------------|
| 1 | Sh. S. D. Sharma | Male | N/A | Member | D-565,G.No.-14,Bhajanpura,Delhi-53 | 9810071206 |

E.Teacher Member(Convener of SMC)

| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
|-----|--------|--------|-----------------|--------------------|---|-------------|
| 1 | ARCHNA | Female | PGT (ECONOMICS) | Convener | C-26,DDA FLATS EAST OF LONIO ROAD, SHAHDARA | 9958718764 |

F.Social Worker Member of SMC(Who is involved in Education)

| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
|-----|-----------------|------|-------------|--------------------|----------------------------------|-------------|
| 1 | RAJENDRA TIWARI | Male | N/A | Member | B-388,G.NO.-18, BHAJANPURA,DELHI | 9268043558 |

G. Subject Teacher of Math/Science/Social Sc. Members(Special Invitees of SMC)

| SNo | Name | Sex | Designation | Designation in SMC | Residential Address | Contact No. |
|-----|---------------|------|-------------|--------------------|--|-------------|
| 1 | VINAY KUMAR | Male | TGT Math | Special Invitees | H.NO D-10,ST. NO-5, SADATPUR EXTN. KARAWAL NAGAR, DELHI-90 | 9818810303 |
| 2 | KARYANAND | Male | TGT Sci | Special Invitees | B-67/7 KHAJOORI KHAS DELHI-90 | 9968210167 |
| 3 | PRAVEEN KUMAR | Male | TGT Sst | Special Invitees | H.NO X/7548 AMAR MOHALLA RAGHUWAR PURA-II GANDI NAGAR DELHI-31 | 7838869841 |

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ANNEXURE-P-3(only)

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

No.F.23 (6)/DE/RTE/2011/ 520-533

Date: 25/8/13

CIRCULAR

**Subject: - Guidelines for composition of School Management Committee (SMC)
under the RTE Act and its functions.**

In pursuance of powers conferred by Rule 26 of Delhi Right of Children to Free and Compulsory Education Rules, 2011 following guidelines are issued regarding School Management Committees envisaged under Section 21 of the Right of Children to Free and Compulsory Education Act, 2009 as amended up to date and Rule 3 of the Delhi Right of Children to Free and Compulsory Education Rules 2011. All the Heads of schools of Delhi except of those specified in sub-clause (iv) of clause (n) of Section 2 are hereby directed to constitute School Management Committee in their respective schools consisting of 16 members as under :-

| Sl.No. | Actual Designation | Status in the Committee | No. of Members |
|--------|--|--|----------------|
| 1. | Principal/HOS | Member / Ex-officio Chairperson of SMC | One |
| 2. | Parents/Guardians of Children | Members | Twelve |
| 3. | Elected Representative of the Local Authority | Member | One |
| 4. | Teacher of the School | Member /Convener | One |
| 5. | Social worker involved in the field of Education | Member | One |

- Note: - 1. One Social Science Teacher, One Math Teacher and One Science Teacher shall be special invitees.
2. Fifty percent of the members of this committee shall be women.
3. There shall be a proportionate representation of parents/guardians of children belonging to disadvantaged group and weaker sections.
4. Vice Chairperson shall be from amongst the parent members.

The School Management Committee so constituted shall follow the following guidelines:-

Selection of Vice Chairperson

The Vice-Chairperson shall be elected by parent members of SMC from amongst themselves.

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Selection of parents/guardians members

Selection of parents/guardian members shall be done through election in the General Body meeting of parents/guardians. In case where the child of the member has left or completed his/her studies in that school, such member shall be replaced by parent selected at random from among the parents or guardian of the children of that category for the remaining term of the Committee.

Elected representative of Local Authority

Instructions regarding elected members are being issued separately.

Selection of Teacher Member

Selection of teacher member and Special invitee of SMC is to be decided by teachers of school.

Selection of social worker involved in the field of Education

The social worker involved in the field of education is to be nominated by the District Deputy Director of Education or an officer of equivalent rank.

Tenure of the School Management Committee (SMC):

Tenure of the SMC shall be 2 years from the date of its constitution and reconstituted every two years.

Meetings of SMC:

The School Management Committee shall meet at least once in two months and minutes and decisions of the meetings shall be properly recorded and made available to the public.

Quorum

The Quorum of SMC must be 1/3 of the total strength and every resolution shall be passed by a proper quorum without proxy.

Functions of School Management Committee

- (i) Monitor the working of the school.
- (ii) Prepare and recommend School Development Plan.
- (iii) Monitor the utilization of the grants received from the appropriate Government or Local Authority or any other source.
- (iv) Communicate in simple and creative ways to the population in the neighbourhood of the school, the right of the child as enunciated in the

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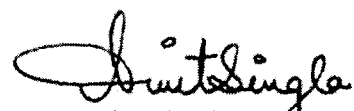
Act, as also the duties of the Government, local authority, school, parents and guardians.

- (v) Ensure that teachers maintain regularity and punctuality in attending school.
- (vi) Hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn progress made in learning and any other relevant information about the child.
- (vii) Monitor that teachers are not burdened with non academic duties other than those specified in section 27 of RTE Act.
- (vii) Ensure the enrolment and continued attendance of all the children from the neighborhood in the school.
- (viii) Monitor the maintenance of the norms and standards specified in the schedule.
- (ix) Bring to the notice of the Government or local authority, as the case may be, any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements as per section 3(2) of RTE Act, 2009.
- (x) Identify the needs and monitor the implementation of the provisions of section 4 of the Act which states 'where a child above six years of age has been admitted in any school or though admitted could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.'
- (xi) Monitor the identification and enrolment of and facilities for admission of children with disabilities and ensure their participation in, and completion of elementary education.
- (xii) Monitor the implementation of the Mid-Day Meal in school.

Accounts:

Money if received by SMC for the discharge of functioning under the Act, shall be kept in a separate account, to be audited annually. These accounts should be signed by the Chairperson/Vice-Chairperson and convener of the School Management Committee.

All the District Deputy Directors of Education/Education officer are to ensure that School Management Committee is constituted in each and every Govt. /Govt. Aided School under their jurisdiction immediately.


(Amit Singla, IAS)
Director of Education



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Copy to:-

1. PS to Hon'ble Lt. Governor, Delhi.
2. PS to Hon'ble Chief Minister, Govt. of NCT of Delhi.
3. PS to Hon'ble Minister of Education, Govt. of NCT of Delhi.
4. The Commissioner, East Delhi Municipal Corporation.
5. The Commissioner, North Delhi Municipal Corporation.
6. The Commissioner South Delhi Municipal Corporation.
7. Chief Executive Officer, Delhi Cantonment Board.
8. Chairperson, New Delhi Municipal Council.
9. P.A. to Secretary, Education.
10. P.A. to Director of Education.
11. All Addl. Directors of Education/Regional Directors/District DDEs/EOs/DEOs/Head of Govt./Govt. Aided Schools of Delhi through website of Directorate of Education.
- ✓ 12. OS (IT) to paste the above said circular on official website of the Department.
13. Guard file.


(Amit Singla, IAS)
Director of Education


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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION, RIGHT TO EDUCATION BRANCH
ROOM NO. 252, OLD SECRETARIAT, DELHI-110054; PH. 23890097

F.DE.23 (6)/RTE/2011/192-205

Dated: 27.08.2015

CIRCULAR

Subject: - Elections for re-constitution of School Management Committee under Section 21 of Right of Children to Free and Compulsory Education Act, 2009 in Government and Government Aided Schools of Directorate of Education

Reference circular No. F.23(6)/DE/RTE/2011/520-533 dated 25.03.2013 on the subject, "Guidelines for composition of School Management Committee (SMC) under RTE Act and its functions' (Copy attached). The SMCs constituted have completed their tenure of two years. Therefore, elections for reconstituting them in the Govt./Aided schools of Directorate of Education are to be conducted as per the aforementioned circular. For this the following directions are issued for strict compliance by all concerned:-

1. A letter in Hindi be sent to all the parents by the Principals/HOS of these schools to the parents inviting them to cast their votes to elect 12 parents to SMC of the school on a pre-decided date. (Format A attached)
2. The parents be asked to apply for nomination in case they wish to stand as a candidate for these elections.
3. The class teachers of all the classes would prepare in advance the list of parents of the class along with the particulars of the children to know the number of expected voters.
4. The letter to be sent to the parents should include the following details to be given by the parents on a plain paper in case they wish to be the candidate:-
 - (a) The name of the parent along with his/her residential address and phone/mobile number and a photograph.
 - (b) The name of his/her son/daughter studying in the school along with his/her Class/section and roll number.
 - (c) About himself/herself and his/her proposed contribution to School Management Committee in case he/she is interested and is elected as a parent member.
 - (d) Signatures of 10 other parents, who support his /her candidature along with the names, class/section and roll numbers of their children who study in the school.
 - (e) The parent shall submit his/her nomination to the class teacher of the Class/Section in which his/her child is studying.
5. These nominations would be scrutinized by the Principal/HOS of the school with the help of the teachers and the record of the school regarding the veracity of the information provided. In case of any discrepancy the same may be got rectified from the concerned parent.
6. A final list of candidates would be prepared and the information provided would be put up on the notice board of the school in public domain for other parents to see the same.
7. For all these activities the following timelines should be strictly followed:-
 - (a) Sending of invitation cum nomination letter 01/09/2015
 - (b) Receiving of signed intimation to come for election 03/09/2015.
 - (c) Receiving of nomination form 04/09/2015.
 - (d) Scrutiny of nomination forms 05/09/2015.
 - (e) Correction of data and display of list of candidates 07/09/2015.
 - (f) Date of elections (if necessary) 11/09/2015
 - (g) Declaration of result 14/09/2015
8. The process of conducting voting would be as under:-
 - (a) The parents would be asked to read the particulars of the candidates on the school notice board for making up their mind.
 - (b) On the day of election only one parent/guardian will come to the class of their child. The class teacher/ teacher conducting the election will obtain their signatures on the

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- attendance sheet (**Format B Attached**). The parents may be asked to bring an ID proof if necessary though it is not a compulsion.
- (c) The class teacher would read out the names of the candidates and the parents would be asked to raise their hands in support. It should be ensured that only one vote is cast for every elective post on behalf of each child.
 - (d) The number of hands would be counted and the number indicated by the class teacher against the name of the candidate on the 'Statement of Votes Cast' (**Format C Attached**)
 - (e) At the end of this exercise the class teacher would get the signatures of 3 parents present as witness and also put her/his signature.
 - (f) These papers would be deposited with the HOS/Principal who along with a group of teachers would count the votes for each candidate.
 - (g) The final result would be declared on 14/09/2015 which would be prepared after ensuring that the requirement of atleast 50% representation to women and representation to SC/ST is fulfilled. For this the highest number of votes received by the candidate in the category will be considered. The statement of overall result would be prepared. (**Format D Attached**)
 - (h) The selection of teacher (Convener), and three special invitee teachers and social worker connected with education would be finalized before the declaration of result.
 - (i) The elected parents shall elect a Vice-Chairperson amongst themselves. Any decision of the SMC shall have the concurrence of the elected Vice-Chairperson.
 - (j) Where the number of nominations does not exceed the number of members to be elected i.e. 12, the nomination shall be declared uncontested.
 - (k) If the number of nominations falls short of numbers to be elected, the remaining vacancy/vacancies shall be filled through nominations by the Directorate of Education.
9. The Principal/HOS would ensure selected videography of the entire process and also a photograph of the same.
 10. The final result must be signed by the Principal/HOS & Parent Vice-Chairperson. They will also submit a declaration that the entire process has been conducted in a transparent and fair manner and that the Composition of the new SMC of the school is in accordance with the Circular dated 25/03/2013 in this regard to the District DDE. A copy of the same would be preserved in the school also for record. (**Format E for Declaration is attached**).
 11. The final composition of the entire School Management committee would be filled in **Format F attached** and duly signed by them all and also DDE (Zone) and DDE (District).
 12. All the formats attached with this circular would be got printed/prepared by the HOS in time for use by the concerned staff. After use these would be preserved in a file as a record and also to deal with any disputes that may arise.
 13. A photograph of the entire SMC may be taken and preserved in the school for record.
 14. The District DDE shall appoint an observer who will oversee the entire process.
 15. Any dispute in the process would be sorted out by District DDE and he/she would be the final authority in the matter whose decision would be binding on all the parties.
 16. The Principal/HOS would ensure that the online entry of the new SMC be made by 21/09/2015.
 17. The names and contact numbers of all the newly elected members of SMC would be displayed prominently in the school.
 18. The principal will also issue a photo ID to all the newly elected members of the SMC with his signature and Stamp.
 19. The final composition of the reconstituted SMC, should be as follows:-

| S.No. | Actual Designation | Status in SMC | No. of Members |
|-------|---|--------------------|----------------|
| 1. | Principal/HOS | Member/Chairperson | 1 |
| 2. | Parents/Guardians of Students | Members | 12 |
| 3. | Area MLA | Member | 1 |
| 4. | Social Worker in the field of Education | Member | 1 |

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| 5. | Teacher of the School | Member/Convenor | 1 |
|----|-----------------------|-----------------|---|

Notes:-

- (i) Eight members of this committee have to be women.
- (ii) One Social Science, One Maths and one Science teacher shall be special invitees.
- (iii) Vice-Chairperson shall be from amongst the Parent members.
- (iv) Representation of SC/ST community must be ensured.


(BINAY BHUSHAN)

Encl: As above.

Additional Director of Education (RTE)

All Addl.DEs/RDEs/DDEs/Branch Incharges/HOS of Govt./Govt. aided schools of DOE through DEL-E for strict compliance

Copy to:-

1. OSD to Hon'ble L.G., Govt. of NCT of Delhi.
2. OSD to Hon'ble Chief Minister, Govt. of NCT of Delhi.
3. OSD to Hon'ble Dy.C.M. & Minister of Education, Govt. of NCT of Delhi.
4. P.S. to Secretary, Department of School Education and Literacy, Govt. of India, Shastri Bhawan, New Delhi-110115.
5. P.S. to Secretary (Education), Govt. of NCT of Delhi.
6. P.S. to Director of Education, Govt. of NCT of Delhi.
7. Addl.DE(School)
8. Director(s) of Education, MCDs(East/North/South), NDMC, and CEO (DCB) with the request to take similar measures.
9. OS(IT), to upload on the website of DOE.
10. Guard File.


BINAY BHUSHAN

Additional Director of Education (RTE)


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**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION, RIGHT TO EDUCATION BRANCH
ROOM NO. 252, OLD SECRETARIAT, DELHI-110054; PH. 23890097**

No.F.23 (6)/DE/RTE/2011/Pt. File/1806-1816

Dated: 06/11/2017

CIRCULAR

Sub.: Elections for re-constitution of School Management Committee under Section 21 of Right of Children to Free and Compulsory Education Act, 2009 in Government and Government Aided Schools of Directorate of Education.

“Guidelines for Composition of School Management Committee (SMC) under RTE Act and its functions” (Copy attached), were issued vide Circular No. F.23 (6)/DE/RTE/2011/520-533 dated 25.03.2013. Accordingly, the SMCs were last constituted in the year 2015. They have completed their tenure of two years. Therefore, elections for reconstituting the SMCs in the Govt./Govt. Aided schools of Directorate of Education are to be conducted. In this regard, the following directions are issued for strict compliance by all concerned:-

1. A letter in Hindi in **Format ‘A’** should be sent by the Principals/Heads of Govt. and Govt. Aided schools to all the parents through the students inviting them to file the nominations (if they are interested) and to cast their votes to elect 12 parent members for SMC of the school as per schedule given in Para 6 below. (**Format ‘A’ is attached**).
2. The nomination from parents whose only child is studying in highest outgoing class shall not be entertained as they will be members only for four months. The parent may be asked to file the nomination as a candidate for these elections who can spare time for the SMC meetings which are to be held twice in a month. The parents are to be asked to bring an ID proof.
3. The nomination of the parents should include the following details to be given by the parents on a plain paper in case they wish to contest the SMC election as a candidate:-
 - (a) The name of the parent along with his/her residential address and phone/mobile number alongwith a photograph.
 - (b) The name of his/her son/daughter studying in the school alongwith his/her Class/section and roll number.
 - (c) About himself/herself and his/her proposed contribution to School Management Committee in case he/she is elected to SMC as a parent member.
 - (d) Signatures of 5 other parents, who support his/her candidature along with the names, class/section and roll numbers of their children who study in the same school.
 - (e) The parent shall submit his/her nomination to the Class Teacher of the Class/Section in which his/her child is studying.
4. These nominations would be scrutinized by the Principal/HOS of the school with the help of the teachers and the authenticity of the details therein be verified from the record of the school. In case of any discrepancy, the same may be got rectified from the concerned parent. No rejection of nomination is to be made on trivial grounds. If any nomination form is rejected, the reasons of the rejection should be recorded in writing and the concerned parent should be informed about the same.


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5. After scrutiny, the final list of candidates would be prepared and will be signed by both the HOS and the Observer. The list of the candidates along with the information provided by them would be put up on the Notice Board of the school in public domain for other parents to see the same on the day of election.
6. For all these activities the following Timeline should be strictly followed:-
 - (a) Sending of information to the parents regarding the election and to file nomination in Format 'A' 17.11.2017 (Friday).
 - (b) Receiving of signed acknowledgment part of Format 'A' by the teacher 22.11.2017 (Wednesday).
 - (c) Receiving of Nomination Forms in plain paper on or before 23.11.2017 (Thursday).
 - (d) Scrutiny of Nomination Forms and preparation of list of Candidates in Format 'B' on 24.11.2017 (Friday).
 - (e) Preparation of Voting Sheet in Format 'C' 24.11.2017 (Friday).
 - (f) Date of Elections 25.11.2017 (Saturday) (8.00 A.M. to 11.30 A.M. for Morning Shift/Single Shift) & (1.00 P.M. to 4.30 P.M. for Evening shift).
 - (g) Declaration of Result 27.11.2017 (Monday).
7. The officers and Superintendents working in Schools and offices of Directorate of Education will be deputed as Observers on the day of the SMC election who will oversee the entire process as per the list, to be issued by HQ.
8. The process of conducting election would be as under:-
 - (a) All the formats from A to E attached with this Circular would be got photocopied by the HOSs in time as per the requirement. **The expenditure on photocopies can be met out from the budget already allocated under the Major Head-"2202 02 053 97 00 27 Vidyalaya Kalyan Samiti (VKS/SMC)". No additional budget will be allotted in this regard. No refreshments will be provided by the school except arrangement for drinking water.**
 - (b) The nominations received will be finalised after scrutiny and the final list of the candidates will be prepared in the Format 'B'. This list of candidates will be displayed/pasted in all the class rooms on the day of the election.
 - (c) The parents would be asked to read the particulars of the candidates on the school Notice Board in order to know about the candidates on the day of the election.
 - (d) The class teacher/teacher conducting elections will prepare **Voting Sheet/Voting Chart** for each class with names of all the parents of the students studying in his/her class in **Format 'C'**, in advance. He/She may use more than one voting sheet as per the number of students in the class. If the parent has more than one child studying in the school, the parent will be given a chance for voting only in the highest class in which his/her child is studying. If two children of the same parents are studying in the same class, he/she can cast vote only for one child. **(Format 'C' attached).**
 - (e) The class teacher will conduct the voting in the Voting Sheet by calling the names of the parents one by one. He/She will facilitate the parent to check the list of the candidates pasted on the black board and to put tick mark (✓) against 12 members out of the nominations on the voting sheet against their numbers. The parents will put cross mark (X) in the remaining columns.

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- (f) The following instructions to be taken care of by the teacher while conducting elections:-
- i. Either father or mother/guardian (whose name is already registered in admission form) can cast the vote for their child studying in the school.
 - ii. The voting through indication made by pencil will be rendered invalid.
 - iii. If the indications are made against more than 12 members then the first 12 ticks will be considered as selected.
 - iv. Overwriting in the indication made in the voting sheet will render the vote invalid.
 - v. No second chance will be allowed to the voter in all such cases.
 - vi. It shall be ensured that any parent who comes to the school during the designated time for the SMC election should be allowed to cast vote.
- (g) After the elections, the teacher will count the votes in favour of each candidate and fill it in the **Format 'D'**. He/She will mark 'Absent' against the column in the voting sheet if any parent is absent.
- (h) At the end of this exercise, the class teacher will get the signature of any other teacher as Checker in **Format 'D'**.
- (i) The **Formats 'C' & 'D'** would be deposited with the HOS/Principal, who will do the final counting with the help of any responsible teacher and prepare a summary in **Format 'E'** which will be signed by both the HOS and the Observer. Both these officers shall be equally responsible for the declaration of the final results.
- (j) The final result would be declared on 27.11.2017 which would be prepared after ensuring that the requirement of atleast 50% representation of women and at least one representation of SC/ST is fulfilled. For this, 50% women candidates i.e. 8 out of 16 and one SC candidate i.e. 1 out of 16 shall be selected first as per merit. A separate merit list will be prepared for the remaining candidates to select other members. The selection of teacher (Convener) and three Special Invitee Teachers would be finalized by HOS as per his/her choice, before the declaration of result. The Social Worker connected with education will be nominated by the DDE (District). The final composition of the newly elected School Managing Committee will be prepared in **format 'F'** which will be signed by both the HOS and the Observer.
- (k) The first meeting of the SMC may be called on the next working day of the declaration of the result i.e. on 28.11.2017 (Tue). The elected members shall elect a Vice-Chairperson amongst themselves.
9. If the number of nominations received is less than 12, the nominations received will be considered as elected. For the remaining unfilled seats, the elected SMC members (atleast 8) will nominate willing parents after passing resolution by majority of votes.
10. All the records would be preserved in a file to deal with any disputes that might arise in future.
11. Any dispute in the process would be sorted out by District DDE and he/she would be the final authority in the matter whose decision would be binding on all the parties.
12. The Principal/HOS would ensure that the online entry of the new SMC be made by 02.12.2017.

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13. The names and contact numbers of all the newly elected members of SMC would be displayed on the Notice Board of the school on 27.11.2017.
14. The Principal will also issue a photo ID to all the newly elected members of the SMC with his/her signature and Stamp by 2nd SMC meeting. It will be compulsory for all SMC members to carry this photo ID whenever they come to school.
15. After the SMC elections, if the SMC falls short of Parents members due to the vacancy arises out of the reasons such as their children passing out of the school, resignation of the member etc, then the vacancies upto four may be nominated by the remaining eight members by passing a resolution. If more than four parent members are needed in a SMC, then fresh applications should be called from the parents of the school.
16. The final composition of the reconstituted SMC, should be as follows:-

| S.No. | Actual Designation | Status in SMC | No. of Members |
|-------|---|--------------------|----------------|
| 1. | Principal/HOS | Member/Chairperson | 1 |
| 2. | Parents/Guardians of Students | Members | 12 |
| 3. | One member of the committee shall be an elected representative of the local authority | Member | 1 |
| 4. | One member shall be a Social Worker involved in the field of Education | Member | 1 |
| 5. | Teacher of the School | Member/Convener | 1 |

Important Note:-

- (i) It may be ensured that atleast eight members of this committee should be women candidates.
- (ii) One Social Science, One Maths and one Science teacher shall be Special Invitees.
- (iii) Vice-Chairperson shall be from amongst the Parent members. It may be ensured that the Vice-Chairperson of the Girls schools is a woman member.
- (iv) Representation of atleast one member from SC/ST community must be ensured.
- (v) Defacement of the school building and Pasting of Posters/Bills in the school premises are strictly prohibited. Two Teachers and Estate Manager will be given specific responsibility to ensure there is no defacement of property / walls and no posters etc are pasted.
- (vi) No Loudspeaker/Mike will be used inside or near the school premises.
- (vii) The crowding of parents in the school premises or near the school premises is not allowed.
- (viii) Any parent who is found disturbing the school atmosphere or harming the school property/misbehaving with the staff conducting elections will be debarred from contesting the election and entry into the school premises on the day of the election till the declaration of the results.
- (ix) Parents who have cast their votes shall be asked to leave the school immediately thereafter.
- (x) The HOS seek the help of the local Police personnel in the conducting the election by sending request to the Police Station concerned, in advance.
- (xi) No children will attend the school on the day of the election i.e on 25.11.2017. This is to be intimated to the students, well in advance.

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(xii) The HOS will allocate duties and brief the Guards/Teacher in advance.

This issues with the prior approval of the competent authority.

Encl: As above.


(ZAREEN TAJ)

Dy. Director of Education (RTE)

All Addl. DEs/RDEs/DDEs/Branch In charges/HOS of Government/Aided schools of DOE through DEL-E for strict compliance.

Copy to:-

1. OSD to Hon'ble L.G., Govt. of NCT of Delhi.
2. OSD to Hon'ble Chief Minister, Govt. of NCT of Delhi.
3. OSD to Hon'ble Dy. C.M. & Minister of Education, Govt. of NCT of Delhi.
4. P.S. to Secretary, Department of School Education and Literacy, Govt. of India, Shastri Bhawan, New Delhi.
5. P.S. to Secretary, (Education), Govt. of NCT of Delhi.
6. P.S. to Director of Education, Govt. of NCT of Delhi.
7. Spl. Director of Education (Aided School Branch), Govt. of NCT of Delhi.
8. Addl. DE (School).
9. Director (s) of Education, MCD (East/North/South), NDMC, and CEO (DCB) with the request to take similar measures.
10. OS (IT), to upload on the website of DoE.
11. Guard file.


(ZAREEN TAJ)

Dy. Director of Education (RTE)


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ANNEXURE - P-4 (copy)GOVERNMENT OF ANDHRA PRADESH
SCHOOL EDUCATION (PROG.II) DEPARTMENT

Memo No. ESE01-SEDN0SPD/110/2019-PROG-II

Dated: 15.09.2019

Sub: SE - SSA - Conduct of Elections to form School Management Committees -
Orders - Reg.

Ref: From the SPD, SSA, Lr.Rc.No.3320/SSA/AP/A6/15, dt. 26.08.2019.

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In the circumstances reported by the State Project Director, SSA in the reference cited and after careful examination of the matter, Government hereby permit the State Project Director, SSA to conduct elections to form fresh School Management Committees in the State as per schedule below subject to change the name of the School Management Committee as either Parent Monitoring Committee or Parent Committee:

| S. No | Date | Activity to be conducted | Time |
|-------|--------------------------|--|--------------------|
| 1 | 16-09-2019 (Monday) | Issue of Notification to Conduct of Elections to SMC Members, Chairman & Vice Chairman | 10 AM |
| 2 | 16-09-2019 (Monday) | Display of Voter List for Conduct of Elections to SMC Members in the Notice Board of Primary/Upper Primary Classes | 2 PM |
| 3 | 19-09-2019 (Thursday) | Calling of Objections on Voter List and Redressal of Grievances if any | 9 AM to 1PM |
| | | Finalization of Voter List for Conduct of Elections to SMCs and its display in the Notice Board of the Primary/Upper Primary Schools | 3 P.M to 4 PM |
| 4 | 23-09-2019 (Monday) | Conduct of Elections to SMC Members Finalisation of Elected SMC Members & Formation of New SMCs | 7 AM to 1PM |
| | | Conduct of Election of Chairman & Vice Chairman by SMC Members | 1.30 PM |
| | | Oath taking by SMC Members, Chairman & Vice Chairman | 2.00 PM |
| | | Conducting First SMC Meeting | 3.00 PM to 3:30 PM |

2. The Commissioner of School Education and the State Project Director, SSA shall take further necessary action accordingly in the matter.

B. RAJSEKHAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of School Education, AP, Ibrahimpatnam, Vijayawada (w.e)
The State Project Director, SSA, Patamata, Vijayawada (w.e)

Copy to:

PS to Prl. Secy, SE

PS to Minister for Education.

SF/SC.

//FORWARDED::BY ORDER//

T. Chandrababu Naidu
SECTION OFFICER

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By Speed post

**PROCEEDINGS OF THE COMMISSIONER OF SCHOOL EDUCATION &
EX OFFICIO STATE PROJECT DIRECTOR,
SAMAGRA SHIKSHA, TELANGANA, HYDERABAD**

Proc.No.2751/SSA/CMO/T4/2018,

dt:18.11.2019.

Sub:-TSS Hyderabad-Selection of School Management Committees in the
State –Take action -Reg

Read:-1)G.O.Ms.No.41. School Education (PE-SSA) Dept., dated 19.06.2013.

2.This office Proc.Rc.No.2577/T5/CMO/2015.dt:18.07.2016.

3)This office Proc.Rc.No.2751/SSA/CMO/T4/2018.dt:30.07.2018.

4)This office Proc.Rc.No.2751/SSA/CMO/T4/2018. dt:30.01.2019.

5)This office Proc.Rc.No.2751/SSA/CMO/T4/2018, dt:30.07.2019.

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The attention of all the District Educational Officer & Ex-Officio District Project Officers in the State is invited to the references read above and they are requested to take action for formation of new School Management Committees by 30.11.2019 as per Rule (19) of G.O.Ms.No. 41. SE(PESSA) Dept. dt:19.06.2013 and submit compliance.

The schedule for selection of SMC members are enclosed herewith.

Encl: Copy of the GO.41 enclosed.

Sd/-T.Vijaya Kumar
Commissioner of School Education
Ex-Officio State Project Director

To

All the District Educational Officer & Ex-Officio District Project Officers in
theState.

// T.C. Attested //


Administrative Officer




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SCHEDULE FOR CONDUCT OF SMC ELECTIONS

| Sl.No. | Date | Activity to be conducted | Time |
|--------|---|---|---------------------|
| 1. | 22.11.2019 (Friday) | Issue of notice to conduct of Election to SMC Members, Chairman & Vice Chairman | 10.00 AM |
| 2. | 22.11.2019 (Friday) | Display of parents list for conduct of Election to SMC Members in the Notice Board of Primary /Upper primary Classes/ High Schools | 02.00PM |
| 3. | 23.11.2019 (Saturday) and 25.11.2019 (Monday) | Calling of objections on parents list and Redressal of Grievances if any | 9.00 AM to 04.00 PM |
| 4. | 26.11.2019 (Tuesday) | Finalization of parents list for conduct of Election to SMCs and its display in the Notice Board of the Primary /Upper Primary Schools/ High Schools. | 11.00 AM |
| 5. | 30.11.2019 (Saturday) | Conduct of Election for selection of SMC Members.Finalization of elected SMC Members & Formation of New SMCs. | 7.00 AM to 1.00 PM |
| | | Conduct of Election of Chairman & Vice Chairman by SMC members | 1.30PM |
| | | Conduct First SMC Meeting | 2.00 PM to 04.00 PM |

Sd/-T.Vijaya Kumar
Commissioner of School Education
Ex-Officio State Project Director

// T.C. Attested //


Administrative Officer

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GOVERNMENT OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR, GUWAHATI-6

ORDER BY THE GOVERNOR OF ASSAM
NOTIFICATION

Dated Dispur, the 3rd August 2011

No. PMA. 627/2010/Pt./149 : In supersession of all the earlier Govt. Orders and Notifications and in exercise of powers conferred under section 21 of the Right of Children to Free and Compulsory Education Act, 2009, the Governor of Assam is pleased to notify the norms for constitution as well as the powers and functions of School Management Committee of Govt./Provincialised elementary schools (LP, UP, ME Madrassa) of Assam as per Part V of Rule 13 and 14 of The Assam Right of Children to Free and Compulsory Education Rules, 2011 in the following manner :

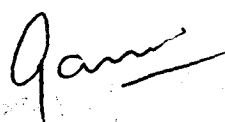
13. (1) Composition and functions of the School Management Committee for the purposes of section 21 :-

- (i) A School Management Committee shall be formed for each school. This would be a permanent Body of which, the President and Members shall have a term of three years. However, they shall continue to function beyond three years till the new President and Members take over. Efforts should be made to form the new Committee one month before the expiry of the term of the out going Committee.
- (ii) Nine members shall be from parents/or Guardians of the students of the School in the following manner :-
 - (a) Among parent/guardian members, three shall be from disadvantaged groups or weaker section and one of them shall be from parents/guardians of disabled child (if any) in the school ;
 - (b) President and Vice President shall be selected/elected from the parents/guardians member only and one of them must be a woman;
 - (c) No parent/guardian can be the President or Vice-President of more than one School Management Committee irrespective of the fact that his/her children study in more than one school.
- (iii) One member shall be from among concerned local authority of the area, where the school is situated.
- (iv) One member shall be from among teachers of the school concerned/local health workers/anganwadi workers.
- (v) One member shall be from among Gaonburah/village Headman/Community Nominee (where there is no Gaonburah/Village Headman) in the village where the school is situated.
- (vi) Head Teacher/Head Master shall be Member-Secretary.
- (vii) Minimum fifty percent of the above committee members shall be women.

(2) Function of the Managing Committee:-

- (i) Monitor the working of the schools.
- (ii) Prepare and make recommendations for School Development Plan on the basis of which, grants will be made by the Government or other sources.
- (iii) Monitor the utilization of the grants received from the Government, Autonomous Council or local authority or any other source.
- (iv) Perform such other function as may be notified by the Government.

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(3) Selection/election of the President and Member of SMC:-

- (i) The Head Master/Head Teacher of the concerned school shall convene a general meeting of parents, the adult members of the Village/Tea Garden area/Ward/NC area concerned, ward members/councillor, Gaonburah/Village Headman, Local Health Worker/Aganwadi Workers within fifteen (15) days from the date of receiving the intimation from the competent authority to constitute the SMC. He /She has to give 7 (seven) days advance intimation to the concerned invitee regarding the date, time, objectives and venue of the meeting and also fix it on the notice board of the school and at least 4-5 prominent places in the villages/ward concerned.
- (ii) The meeting shall be organized on a convenient date so that atleast seventy percent (70%) of parents of the students of schools, adult members of the respective villages/ward of the school and the ex-officio members to be inducted in the committee remain present and take part in the proceeding. Any of the senior persons present in the meeting may preside over the meeting.
- (iii) Selection of the President, Vice-President and members of SMC shall be made by the parents/guardians of the students of the school among themselves in a meeting specially convened for the purpose by the Head master of the concerned school as far as possible in a unanimous manner. In case of failure to select the President, Vice-President and the members unanimously the procedure of election by casting votes of parents / guardians may be adopted subject to the approval of the observer. The Deputy Inspector of Schools/District Elementary Education Officer/Sub Inspector of Schools shall be present in the meeting as observer and ensure holding of such election in a free and fair manner with participation of maximum member of parents/guardians.
- (iv) The meeting shall select/elect the required number of members in the manner as indicated under serial nos (ii) to (vii) of sub-rule (1) of rule 13. The resolution adopted in the meeting shall clearly indicate the names of the members of the SMC so selected/elected and also indicate the name of two persons selected/elected for the posts of President/Vice-President respectively. The resolution shall contain the signature of each and every parents/guardians present in the meeting and shall be submitted to the District Elementary Education Officer concerned within two days from the date of adoption of such resolution.
- (v) The District Elementary Education Officer, after examining the resolution, shall approve the name of one person as President and the other person as the Vice-President out of the names of two persons selected/elected by the parents/guardians for the purpose, considering the comparative educational qualification, aptitude and willingness to work for the betterment of the school of these two persons, alongwith the name of members as per resolution adopted in the meeting within three days from the date of receipt of the resolution and provide a copy of the approval order in Form No. IV to the concerned SMC.
- (vi) The concerned District Elementary Education Officer will ensure receiving of the proposals from SMC and get it approved within a month from the date of intimation given to the SMC concerned for its constitution.
- (vii) The community nominee should have sound knowledge and solid background of educational development activities.
- (viii) The SMC, by a resolution may co-opt two educationists/senior citizens as advisor of the SMC. However, the advisors will neither be treated as members of the SMC nor will have any right of voting in decisions taking matter of the SMC concerned.
- (ix) The teacher of any school can be parent members of SMC other than the school in which they are teaching but in no case he/she may be the President/ Vice President of that SMC.
- (x) The Constitution of new SMC shall come into effect from the date of the issue of the approval order by the District Elementary Education Officer in Form No. IV.

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(4) Rules of Business:

- (i) The SMC must hold its first meeting within 15 (fifteen) days from the date of the approval of the committee. The member Secretary of the SMC should inform all the members of newly constituted as well as the out going SMC about the date, time and venues of its meeting with prior approval of the President of the newly constituted SMC.
- (ii) All the records and documents, financial and non financial, shall be handed over to the newly constituted SMC in this meeting and the minutes on this meeting should be signed by the Presidents and Members of both the outgoing and newly constituted SMC.
- (iii) The SMC should meet at least once every month thereafter. Fifty percent (50%) of total members of SMC shall form the quorum. Since the SMC has the responsibility of approving the absentee statement of the teaching and the non teaching staff of the school, the meeting must be held before the last working day of the month.
- (iv) The meeting shall be presided over by the President or in his absence, by the Vice President or in absence of the president and the Vice President, by any one of the senior members of SMC to be selected by the members present.
- (v) The President shall call a special meeting of the SMC if more than fifty (50) percent of Members of the SMC make a requisition for it.
- (vi) The District Elementary Education Officer or as authorized by him, the Deputy Inspector of Schools/ Block Elementary Education Officer concerned shall have the authority to issue direction for holding the meeting of SMC as and when required for.
- (vii) The officials of Education/ Other department (s) may attend the meeting of the SMC, but will not have the right to vote for any decisions making matter.
- (viii) The proceeding of each and every meeting of the SMC shall be recorded by the Member Secretary in the register specially kept for this purpose.

(5) Removal of President/Members of SMC and filling up of vacancies:

- (i) If any vacancy is caused due to resignation, removal or death of the President; Vice President or a member, the same shall be filled up in accordance with the procedure laid down in these rules for the selection/ election of President; Vice President and Members.
- (ii) A person shall not be qualified to be President, Vice President or Member of the SMC and can be removed by the SMC through a resolution signed by atleast two-third Members present in the meeting of the committee which should not be less than or equal to fifty percent (50%) of the total members of the committee or by the District Elementary Education Officer after satisfying himself/herself of the facts through an enquiry if –
 - (a) he/she is convicted by the court of law for offences involving moral turpitude or any offence under section 302/363/366/376/395/409/465/468/477(A)/493/494 of the I.P.C;
 - (b) he/she ceases to be a citizen of India;
 - (c) he/she ceases to be a resident of the village/ward in which the school falls or ceases to have his/her child in the school (for the parent members only);
 - (d) he/she declared insolvent or unsound mind
 - (e) he/she is found guilty of misconduct or negligence of duty.
 - (f) he/she fails to attend three consecutive meetings of the committee
- (iii) The removal of the President; Vice President or Members of the SMC shall come into effect from the date of the approval of resolution of SMC in this regard by the District Elementary Education Officer concerned.

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- (iv) If the Member Secretary of the SMC is found to be negligent in performing his/her duties, particularly with regard to calling of meeting of the committee as mandated in these rules, books and records keeping, communicating SMC's resolutions to the competent authorities, submitting report to the competent authority as sough for etc., the SMC may by a resolution signed by more than fifty percent (50%) of its members can recommend disciplinary action against the Member Secretary concerned and the Deputy Inspector of Schools/ Block Elementary Education Officer shall be duty bound to conduct an enquiry over this and to submit report to the District Elementary Education Officer for necessary action within fifteen (15) days from the date of the receipt of the resolution.

(6) Dissolution of SMC:

- (i) The SMC may be dissolved, if found negligent of its duties and responsibility as assigned in these rules, non-compliant to Government Orders or and non co-operative towards the implementation of the Government funded schemes for the improvement of the schools and the academic environment in the school, by an order of the District Elementary Education Officer on the basis of :-
 - (a) a resolution adopted in a meeting of the parent at least hundred (100) numbers or seventy percent (70%) of total parents of students of the schools and the adult members of the respective village/ ward to the effect that the School Managing Committee has failed to discharge its duties and responsibility effectively or has been inactive or indifferent in the matter of implementation of Government funded schemes for the improvement of schools and the academic environment in the schools;
 - (b) An enquiry into the complaints of negligence of duties and responsibility, noncompliance with Government Order and Instructions or and non co-operative attitude towards the implementation of the Government funded sacheams for the improvement of the school and the academic enrolment of the schools.
- (ii) The District Elementary Education Officer on receiving a resolution recommending the dissolution of the SMC shall verify the facts that the meeting was held in fact and signatures put on the resolution are of genuine persons. Once the resolution is found to have been passed in a genuine manner, no further inquiry into the grounds shown for recommendation of dissolution shall be required and the order for dissolution of the SMC shall be passed thereof.
- (iii) While receiving complaint against a SMC from community/ organization/ Govt. officials regarding non-compliance of Govt. order/instruction, negligence of duties and responsibilities, non-cooperative to implement Govt. funded schemes for the improvement of school, the District Elementary Education Officer will institute an inquiry into the matter and subject to the authenticity of the complaint shall pass a reasoned order for dissolution of the SMC concerned.
- (iv) The SMC concerned shall stand dissolved with effect from the day of the order of dissolution.
- (v) The District Elementary Education Officer shall provide one copy of the SMC dissolution order to the Member Secretary of the SMC concerned, and one shall be retained at Deputy Inspector of Schools/Block Elementary Education Officer's office.
- (vi) The District Elementary Education Officer shall take steps for constitution of the new SMC within a month of dissolution of the SMC concerned.

(7) Accounts and audit:

- (i) The SMC shall have a Bank Account to be operated jointly by the President and Member Secretary for transaction of all sort of funds/grants received for the development of the school.

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- (ii) For specific reasons, or as per order of the competent authority, separate bank account(s) may be opened in the name of the School, which is to be operated jointly by the President/Vice-President and Member Secretary of the SMC concerned.
- (iii) The Member-Secretary shall be responsible for the maintenance of the fund/grant receipt register, cash book, stock/assets book and payment register and safe custody of these records.
- (iv) The Member-Secretary shall be duty bound to place details of financial transactions of each month in the monthly meeting of the SMC concerned.
- (v) The SMC shall be duty bound to submit the utilization certificate of funds/grants in time as per the prescribed proforma to the concerned authority from where the funds/grants have been received.
- (vi) Audit of the SMC accounts shall be done annually at the end of each financial year, or as and when required by the Government or the competent authority.
- (vii) The SMC may receive fund through subscription, donation or grant etc. from any department/ organization/ individual for the cause of development of the school. In such cases, the SMC is to maintain separate accounts and proper record of the fund received and spent, assets created and liabilities incurred.

(8) Powers and functions of the SMC:

Monitor the working of the school:

- (i) **For conducive school environment:** The SMC shall take all the necessary steps for the growth and development of the school leading to an educational environment conducive for attainment of academic excellence by the children.
- (ii) **Attendance monitoring of children:** The SMC shall take effective steps to ensure cent percent attendance, retention and completion of elementary level of each children in and around the vicinity of the school.
- (iii) **Academic development:** The SMC shall try to improve the learning achievement level of the children by (i) taking up micro-planning, school mapping and optimum utilization of locally available resources, (ii) ensuring that the school functions as per the approved academic calendar and (iii) paying special attention to the children of disadvantaged group and weaker section of the society.
- (iv) **Attendance monitoring of teaching and non teaching staff:**
 - (a) **Absentee Statement:** The SMC shall monitor the attendance of the teaching and the non teaching staff of the school and approve their monthly absentee statement. Since salary of the teachers and non-teaching staff of the school shall be disbursed on the strength of the absentee statement approved by the SMC, the SMC must meet one day before the last working day of the month to consider and approve the absentee statement of the teachers and the non teaching staff of the school. A resolution to this effect shall be adopted in the prescribed proforma indicating the dates on which the teacher/non teaching staff was absent, come late or left early.
 - (b) **Checking attendance register:** The SMC shall have the 'power to check the attendance register of the teachers, non-teaching staff as well as the students and put remarks in the registers concerned.
 - (c) **Application of Casual leave:** Application for casual leave of the teachers or non-teaching staff of the school should not be accepted by Deputy Inspector of Schools/Block Elementary Education Officer unless it has been endorsed by the President of the SMC concerned.

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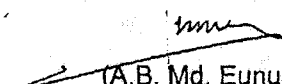
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(6)

- (d) **Reporting to the higher authority:** The SMC shall have the power to report to the competent authority by a resolution adopted by minimum of fifty percent (50%) members of the committee, if a teacher is found not to be following the child centric and activity based teaching learning processes and the Government instruction (s) regarding various academic activities. The Authority concerned shall be duty bound to take cognizance of the report and take necessary action against the teacher concerned with intimation to the SMC.

14. Preparation of School Development Plan for the purpose of section 22:-

- (1) The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act.
- (2) The School Development Plan shall be a three year plan comprising three annual sub-plans.
- (3) The School Development Plan, shall contain the following details :-
 - (a) Estimates of class-wise enrolment for each year;
 - (b) Requirement, over the three year period, of the number of additional teachers, including Head Teachers, Subject Teachers and Part time Teachers, separately for Classes I to V and classes VI to VIII, calculated, with reference to the norms specified in the Schedule;
 - (c) Physical requirement of additional infrastructure and equipments over the three year period, calculated, with reference to the norms and standards specified in the Schedule;
 - (d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4, entitlements of children such as free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.
- (4) The School Development Plan should be signed by the President/Vice-President and Member-Secretary of the School Management Committee and submitted to the local authority before the end of the financial year in which it is to be prepared.


 (A.B. Md. Eunus)
 Commissioner & Secretary to the Govt. of Assam
 Education (Elementary) Department
 Dated Dispur, the 3rd August' 2011

Memo No. PMA. 627/2010/Pt./149-A
Copy to :

1. The Principal Secretary to Hon'ble Chief Minister, Assam Dispur, Guwahati-6
2. The O.S.D. to Hon'ble Minister, (Education), Assam, Dispur, Guwahati-6
3. The P.S to all Hon'ble Minister, Assam, Dispur, Guwahati-6
4. The Hon'ble MLAs, Assam Legislative Assembly.
5. The Staff Officer to the Chief Secretary, Assam, Dispur, Guwahati-6
6. The PS to Additional Chief Secretary, Education Deptt, Govt. of Assam, Dispur, Ghy-6


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(7)

7. The Principal Secretary to the Govt. of Assam, P&RD Deptt, Dispur, Ghy-6
8. The Principal Secretary to the Govt. of Assam, Finance Department Dispur, Ghy-6
9. The Principal Secretary to the Govt. of Assam, P&D Deptt. Dispur, Ghy-6.
10. The Commissioner and Secretary, Social Welfare Deptt. Dispur, Ghy-6.
11. The Principal Secretary to the Govt. of Assam, Labour and Employment Deptt., Dispur, Guwahati - 6.
12. The Principal Secretary to the Govt. of Assam, BTC / Karbi-Anglong Autonomous Council / Dima-Hasao Autonomous Council.
13. The Commissioner & Secretary to the Govt. of Assam, Education (Sec) Deptt., Dispur, Ghy -6.
14. The Director, Information and Public Relations, Assam, Dispur for information and necessary action.
15. The Secretary, Education, BTC, Kokrajhar.
16. The Mission Director, SSA, Assam, Kahilipara, Ghy - 19 for information and necessary action.
17. The Chairman, AHSEC, Guwahati-21
18. The Chairman, SEBA, Guwahati- 21
19. The Director, Elementary Education, Assam, Kahilipara, Ghy-19. He is requested to circulate the notification all DEEOs / D.I. of Schools and BEEOs.
20. The Director Secondary Education Deptt, Govt. of Assam, Kahilipara, Ghy-19
21. The Director SCERT Assam, Kahilipara, Ghy-19.
22. The Director, Education, BTC, Kokrajhar.
23. The Deputy Commissioners - all districts of Assam
24. The Sub-Divisional Officers, (civil), Assam - all sub-division of Assam.
25. The District Elementary Education Officers - all districts of Assam
26. The Inspectors of Schools of Assam.
27. The Deputy Director of Government Press, Bamunimaidam, Guwahati-21. He is requested to publish the notification in the Assam Gazette.
28. The Director, (EE & SSA) to the Govt. of India, Ministry of Human Resource Development, Deptt. of Elementary Education, Shastri Bhawan, New Delhi.

(P. Lahon, ACS)

Deputy Secretary to the Govt. of Assam
Education (Elementary) Department

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ANNEXURE-P-5

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਐੱਸੀ) ਪੰਜਾਬ ਥੰਪਲੇਕਸ ਪੰਜਾਬ ਸਕੂਲ ਸਿੱਖਿਆ ਬੋਰਡ, 6ਵੀਂ ਮੇਜਿਲ,
ਈ ਬਲਾਕ, ਫੇਜ਼-8 ਮੁਹਾਲੀ। (ਸੇਵਾਵਾਂ ਸਾਖਾ)
Email ID dpice.service@punjabeducation.gov.in

ਸੇਵਾ ਵਿਖੇ

ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈਸਿ/ਐੱਸੀ)
ਪੰਜਾਬ।

ਮੀਮੋ ਨੰ: 17/6-2018 ਸੇਵਾਵਾਂ(2)/234-26

ਮਿਤੀ: ਮੁਹਾਲੀ: ੫-੮-੨੦


ਵਿਸ਼ਾ

Extension of tenure of School Management Committees.

ਹਵਾਲਾ:-

ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰ: 17/6-2018 ਸੇਵਾਵਾਂ(2)/160 ਮਿਤੀ
18.02.2020/07.05.2020 ਦੀ ਲਗਾਤਾਰਤਾ ਵਿੱਚ।

ਉਪਰੋਕਤ ਹਵਾਲਾ ਪੱਤਰ ਅਨੁਸਾਰ ਸਮੂਹ ਜਿਲ੍ਹਿਆਂ ਦੇ ਸਕੂਲਾਂ ਵਿੱਚ ਸਕੂਲ
ਮੈਨੇਜਮੈਂਟ ਕਮੇਟੀਆਂ ਗਠਿਤ ਕਰਨ ਦੇ ਕਾਰਜਕਾਲ ਦਾ ਸਮਾਂ 31.03.2020 ਤੱਕ ਸੀ, ਹੁਣ
ਕੋਵਿਡ-19 ਦੇ ਕਾਰਨ ਪੈਦਾ ਹੋਈਆਂ ਪਰਿਸਥਿਤੀਆਂ ਦੇ ਮੱਦੇਨਜ਼ਰ ਇਹ ਸਮਾਂ ਮਿਤੀ
30.09.2020 ਤੱਕ ਵਧਾਇਆ ਜਾਂਦਾ ਹੈ।

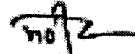

ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਐੱਸੀ)
ਪੰਜਾਬ

ਪਿਠ ਅੰਕਣ ਨੰ: ਉਕਤ ਮਿਤੀ: ਮੁਹਾਲੀ:

ਉਪਰੋਕਤ ਦਾ ਉਤਰਾ ਹੇਠ ਲਿਖਿਆ ਨੂੰ ਸੂਚਨਾ ਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ

ਹੈ:-

1. ਪੀ.ਏ. ਟੂ ਸਕੱਤਰ, ਸਕੂਲ ਸਿੱਖਿਆ ਪੰਜਾਬ।
2. ਪੀ.ਏ. ਟੂ. ਡੀ. ਪੀ. ਆਈ. (ਸੈਸਿ/ਐੱਸੀ) ਪੰਜਾਬ।
3. ਪੀ.ਏ. ਟੂ. ਡੀ. ਜੀ. ਐਸ. ਐ. ਪੰਜਾਬ।


ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਐੱਸੀ)
ਪੰਜਾਬ


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Typed copy

Office of the Director of Education, Punjab Complex, Punjab School Education Board, 6th Floor, E-Block, Phase-8 Mohali (Services Branch)
Email ID: dpiee.service@punjabeducation.gov.in

To,

All District Education Officers(SC/AC)
Punjab
Memo Number: 17/6-2018 Services(2) / 224-26
Date: Mohali 04-06-2020

Subject: Extension of Tenure of School Management Committees

Reference: In continuation of the notification issued by this office vide Letter no.
17/6-2018 services (2) /160 dated 18.02.2020/07.05.2020.

According to the letter cited above, the tenure of school management committees for schools of all districts was till 31.03.2020, now due the circumstances arising out of COVID-19, this tenure has been extended till 30.09.2020.

Director of Education(AC)
Punjab

Back Marking Number: As Above

Date: Mohali:

The copy of the above is sent to the following for their information and to take appropriate action in this regard:

1. P.A to Secretary, School Education Punjab
2. P.A to D.P.I. (SC/AC), Punjab
3. P.A. to D.G.S.E Punjab

Director of Education(AC)
Punjab

Translated and typed from true copy

Ganina

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ANNEXURE-P-6

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION: RIGHT TO EDUCATION BRANCH
ROOM NO. 252, OLD SECRETARIAT, DELHI-110054:Ph. 23890097**

No. F.DE. 23(6)/RTE/2012-13/ 847-854

Dated: 01.08.2016

CIRCULAR

Sub: Enhancement of powers of School Management Committees.

Reference circular No. F.DE.23 (6)/RTE/Pt.file/2011/311-319 dated 06.11.2015 on the subject, 'Roles and Responsibilities of School Management Committee'. The following guidelines are hereby issued for enhancement of powers of School Management Committees:-

1. Overall development of the school

The SMC shall be empowered to take any decision for the overall development of the school and the welfare of the students and teachers, and shall be empowered to get these decisions implemented.

2. Meetings

- There shall be two meetings in a month. Meetings will be held on the first and third Saturday of the month. The SMC may change meeting days as per their convenience.
- Preferably meetings of SMC should be held before/after school hours, so as to avoid teacher absence from the classroom.
- Meeting shall be notified by the Convener or the Chairperson telephonically, at least 24 hours in advance of the meeting.
- Normally, the Chairperson shall convene the meetings. However, if the Chairperson fails to do so for whatever reason, the Vice-Chairperson may also call a meeting.
- In case of schools which are running in buildings that run in two shifts, every alternate month, this meeting shall be a combined meeting of the SMCs of both the morning and the evening shift, to ensure coordination. The two shifts can have combined meetings whenever they so desire.
- An unscheduled meeting can be requested if at least 1/3rd of the members do so in writing, with a clearly specifying agenda. The Chairperson is bound to convene this meeting of the Committee within 7 days of the request.

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3. SMC Visits to Schools

- SMC members are entitled to visit the school during working hours, without causing disturbance to the working of the school. On coming to the school they must sign in the SMC Register. Student's activities in the classroom, laboratory, playground or any other assembly place will not be disrupted.
- In a Girls' School, rounds of the school shall only be taken by female members of the SMC. In Co-ed schools, rounds may be taken by the male members, when accompanied by a female members of the SMC.
- No SMC members will enter into a classroom where the teacher is present, unless the SMC so decides; in which there must be at least 3 SMC members.
- The Assembly can be addressed by SMC members with prior approval of the Head of the school, in the interest of discipline of the school.

4. Inspection of Records

- Any member can ask for any records related to the school by requesting in writing. The HOS must acknowledge the receipt of request on a duplicate copy and return the acknowledgement to the SMC member. It is the duty of the HOS to make the records available within 3 days. Any SMC member can demand the photocopy of any document. However, the concerned SMC member shall have to bear the cost of photocopying.
- During the monthly SMC meetings, all records, as decided by the SMC, related to the school have to be presented to the SMC. This includes (but is not limited to) financial records, bills, attendance register of teachers and students, etc. request for photocopies to be recorded in the minutes of the meeting and mentioned in the Action Taken Report including the amount paid by the concerned SMC member towards photocopy charges.

5. Checking of Expenses

- The report of all expenses made since the last SMC meeting have to be presented in the SMC meeting. In an SMC meeting, when bills of expenses on school building and maintenance are presented, the members of the SMC are authorized to physically examine the repair, maintenance or asset that has been purchased. However, this has to be done without disturbing the functioning of the school. The comments/feedback of the SMC members should be recorded in the minutes.
- If the SMC suspects any irregularity in the utilization of funds, they shall recommend the formation of an inquiry committee, to the Deputy Director (District), who shall have to act within the next 15 days. If the Deputy Director (District) chooses not to act on the recommendation of the SMC, he/she would have to explain the reasons in writing.

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6. Social Audit

All the activities and funds of School must be annually presented before the General Body comprising of parents and teachers once every year, and guidelines shall be issued for the same by the Directorate of Education.

7. Learning

- SMC has the power to identify the children requiring special training and remedial education by means of organizing diagnostic learning level assessments on periodic basis. These would be based on assessment tools created by the Directorate of Education, SCERT or NGOs empanelled by SCERT. This would require a resolution passed by SMC with minimum if half total strength of the Committee.
- SMC has the power to organize special training and remedial education program in school premises to support academically deficient students. The special training can be conducted by trained/qualified community volunteers or retired teachers or teachers from the school on a pro bono basis. For girl schools, only lady teachers will be deployed. This would require a majority resolution by the SMC.

8. Teachers

- Parents and students have repeatedly complained about teachers' absence from schools; teachers leaving school before the end of school hours, as well as they are not taking classes despite being present in the school. The SMC shall set up a sub-committee of parent members (only lady members in case of girls' schools, and having at least one lady member in a Co-ed school) for monitoring the teachers' absence from the school, and from the classroom. This sub-committee shall visit the school at least once a week and shall be authorized to make surprise visits to the school (but will make entry in the SMC register on their arrival), visit the classrooms, speak to the students. The sub-committee is authorized to go through the teachers' attendance register, as well as the online attendance record.
- In case of unsanctioned absences from the school or the classroom by the teacher, the member of the SMC sub-committee is authorized to note the absence in the attendance register. Further, the SMC has the power to summon the teacher to the SMC meeting. In case of repeated absence by the teacher or inadequate explanations given for the same, the SMC may recommend to the HOS to issue a show cause notice to the teachers. The HOS shall act on recommendations of the SMC or give his/her reasons in writing to the SMC, within 7 working days, if he/she does not act in accordance with the recommendation of the SMC.

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9. Non-Cooperation of the HOS to the SMC

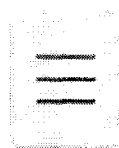
- In case, the Head of the School does not despite repeated requests by the SMC hold meetings of the SMC or implement the decisions taken in the SMC meetings which are within the purview of the legal duties and powers of the Head of the School, then the SMC can recommend show cause notice to be issued to the Head of the School.
- The SMC by 2/3rd strength (of the non-employee members of the SMC) can pass a resolution recommending show cause against a Principal to the DDE (District). The DDE (District) shall act on the recommendation in 15 days. In case, the recommendation is not accepted, DDE (District) shall give reasons for the same in writing to the SMC, within 3 weeks.

10. Capacity Building

- SMC has the power to collaborate on pro-bono by means of an MOU with any NGO from amongst the government empanelled NGOs for meeting any of its deficiencies in academics, sports, music, or in any other field. This would require a resolution passed by the SMC with a minimum of half of the total strength of the Committee. SMCs shall inform the SCERT and DDE Zone regarding the same.
- SMC has the power to terminate any MOU it signed with any NGO from amongst the government empanelled NGOs for meeting any of its deficiencies in academics, sports, music, or in any other field by serving notice as agreed in the MOU. A common template of the MOU to be used for this purpose shall be prepared by the Litigation Branch of DOE and would be uploaded on the Edu del website. This would require a resolution passed by SMC with minimum of half of total strength of the Committee. SMCs shall inform the SCERT and DDE Zone regarding the same.

11. Estate Manager

The Estate Manager of the school shall be a Special Invitee into the SMC, and shall attend all the SMC meetings to report on infrastructure and maintenance related issues.



12. Student Participation

A Student Suggestion Box must be put up in a prominent place in the school, which must be opened in the presence of SMC members. SMC in any particular case, when it deems fit, might invite certain students for discussion, but cannot force children to do so.

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13. Parents Suggestions/Complaints

A Parents Suggestion and Complaints Box must be put up in a prominent place in the school, which must be opened in presence of SMC members. Any complaints received by the parents shall be discussed in the SMC meetings. If needed, the concerned parent may be invited to the SMC meeting.

14. Removal of Members

- A person shall be liable to be held disqualified if he/she is convicted by the court of law for offences involving moral turpitude or any other offence under Section 302/363/366/276/395/409/465/468/477 (A)/493/494 of IPC. The Deputy Director (Zone) or above is competent authority to issue this order.
- An SMC member shall be liable to be held disqualified if:
 - a) He/she is found guilty of misconduct or negligence of duty
 - b) He/she fails to attend three consecutive meetings without approval from SMC.

The SMC, by a resolution passed by at least half of the total strength, may remove member(s) from the Committee.
- On receipt of a complaint of negligence of duties/responsibilities/any misconduct against any one or more SMC members the DDE (Zone) can initiate an inquiry and DDE (District) can pass a speaking order for removal of that member(s) including Chairperson of the SMC.

15. Removal of Vice-Chairperson

The Vice-Chairperson shall be liable to be held disqualified if:

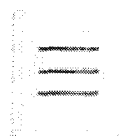
- a) He/she is found guilty of misconduct or negligence of duty
 - b) He/she fails to attend three consecutive meetings without approval from SMC.
- The SMC by passing a resolution of 2/3 of total members (including employee members) can remove the SMC Vice-Chairperson from Vice-Chairpersonship.

16. Dissolution of SMC

The SMC may be dissolved, if found negligent of its duties and responsibility as assigned in these rules, non-compliant to Government Orders or and non co-operative towards the implementation of the Government funded schemes for the improvement of the schools and the academic environment in the school, by an order of a Deputy Director (District) on the basis of –

- a resolution adopted in a meeting of the parents – at least hundred or thirty percent (30%) of total parents of students of the school – to the effect that the School Management Committee has failed to discharge its duties and responsibility effectively or has been inactive or indifferent in the matter of implementation of Government funded

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schemes for the improvement of schools and the academic environment in the schools;

- an inquiry/inspection into the complaints of negligence of duties and responsibility, non-compliance with Government Orders and Instructions or a non co-operative attitude towards the implementation of the Government funded schemes for the improvement of the school and the academic enrolment of the schools;
- while receiving a complaint against the SMC from the community/organization/Govt. officials regarding non-compliance of Govt. order/instruction, negligence of duties and responsibilities, non-cooperative to implement Govt. funded schemes for the improvement of the school, the Deputy Director of Education (District) will institute an inquiry into the matter and subject to the authenticity of the complaint shall pass a reasoned order for dissolution of the SMC concerned.
- The Deputy Director (District) shall take steps for Constitution of a new SMC within a month of dissolution of SMC concerned.

This issues with the prior approval of the competent authority.



(SHASHI KAUSHAL)


SPL. DIRECTOR OF EDUCATION (RTE)

Copy to all Addl. DEs/Spl. DEs/Jt. DEs/Distt. DDEs/Zonal DDEs/Branch In-charges/HOS of Government/Aided Schools of DoE through DEL-E for strict compliance.

Copy to:-

1. OSD to Hon'ble Minister of Education, Govt. of NCT of Delhi
2. P.S. to Secretary (Education), Govt. of NCT of Delhi
3. P.S. to Director of Education, Govt. of NCT of Delhi
4. Spl. DE (ACT-II)
5. Addl. D.E. (School)
6. OS (IT) with a request to upload a copy of this circular on the website of the department.
7. Guard File


01/08/2016
(SHRUTI BODH AGARWAL)
OSD (RTE)


COPY

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION

C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

APPLICATION SEEKING STAY UNDER SECTION 151 CPC

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION
JUDGES OF THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

Most Respectfully Showeth,

- 1) The petitioners vide present writ petition, have challenged the impugned circular dated 01.07.2020 wherein the Respondents have wrongfully and arbitrarily issued instructions for the re-constitution of School Management Committees by way of online draw of lots, thereby, enforcing a mechanism completely contrary to the spirit of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as RTE Act), which mandates and envisions parent/ guardian members to be elected and constitute the SMC's through the active participation of the community.

- 2) The Petitioners being aggrieved by the said circular, have approached this Hon'ble Court, by virtue of the present Writ Petition under Article 226 of the Constitution of India, seeking quashing of the impugned circular dated 01.07.2020 issued by the Respondents and have further sought directions upon the Respondents so as to restrain them from re-constituting SMC's through lottery system thereby restraining them from enforcing and implementing the impugned circular.
- 3) The matter involves grave urgency as the impugned circular has notified the date 08.07.2020 as the last date for filing nominations and has further notified 11.07.2020 (three days after 08.07.2020) to declare results and constitute SMC's for the term 2020-2022. There is thus a need to stay the effect of the circular till the pendency of the present writ petition.
- 4) The contents of the writ petition are not repeated herein for the sake of brevity and the same may read as part and parcel of the present application.
- 5) Balance of convenience lies in the favour of the petitioner and against the respondents as the reconstitution of the SMC's as instructed by the impugned circular, would be contrary to Section 21, RTE Act and would hamper the interests of the parents and the children by taking away their right to represent/be represented before school authorities

and participate in the functioning of the school as an elected SMC member.


6) The petitioners have good prima facie case on merit and irreparable loss and injury will be caused to them unless prayers sought in this Application are granted. No prejudice whatsoever will be caused to the Respondents if the present application is allowed by this Hon'ble Court.

7) The present application has been filed bonafide and in the interest of justice.

PRAYER

1. Pass an order staying the impugned circular dated 01.07.2020 issued by the Respondents, till the pendency of the present writ petition; and /or
2. Pass any other order which this Hon'ble Court deem fit in the Interest of Justice.

THROUGH


(GARIMA SHARMA)
ADVOCATE FOR THE PETITIONERS
13, RING ROAD, FIRST FLOOR,
LAJPAT NAGAR -110024
PHONE: 26441414, 26441313, 9711561714
Email: garima9124@gmail.com

New Delhi
Dated: 8-07-2020

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | VERSUS | ...PETITIONERS |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Indra, W/o Shri Jitendra Bhardwaj, R/o House No. 154, Village Gamdi, Bhajanpura, Delhi-110053, aged about 31 years do hereby solemnly affirm and declare as under:

- 1) That I am the Petitioner No.1 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

VERIFICATION

Imola

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Claim
Identified

Imola

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION

C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Vijay Chandra, W/o Late Shri Raju Trivedi, R/o House No. J 698, Gali No. ½, Kartar Nagar, South East Delhi, aged about 42 years do hereby solemnly affirm and declare as under:

- 1) That I am Petitioner No.2 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

विश्व-पत्रिका

74

VERIFICATION

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Gaur
Identified

विश्व-पत्रिका
DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

**APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL
PROCEDURE, 1908 SEEKING EXEMPTION FROM FILING
CLEAR/ TYPED/ CERTIFIED COPIES**

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION
JUDGES OF THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

Most Respectfully Showeth:

- 1) That the Applicants have filed the accompanying writ petition seeking prayers mentioned therein.
- 2) That in order to avoid prolixity, the Applicants are not repeating the contents of the Writ Petition.
- 3) That along with the said writ petition, Applicants have filed certain documents, some of which are dim, illegible and do not have proper left hand margin, which are relied upon by the Applicants. That the matter is urgent in nature as the Applicants has sought for some urgent prayers, thus due to paucity of time they is not in position to get the documents

typed. The Applicants is thus, prevented from filing the originals of such documents along with the present writ petition and is filing true copies of the same.

- 4) It is thus, submitted that it is expedient in interest of justice that the said writ petition Applicants, may be entertained on the basis of the documents as filed by the Applicants along with the accompanying writ petition.
- 5) That in the circumstances mentioned herein above the Applicant is filing the true and correct photocopies of the documents which are dim, illegible and have improper left hand margin along with the writ petition. The Applicants undertakes to file the better typed copies of the documents as and when directed by the court.
- 7) That the present application is filed bonafide and in interest of justice and equity.
- 8) That the applicants will suffer grave and irreparable injury if the present application is not allowed.

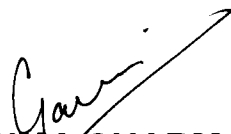
PRAYER

It is most respectfully prayed that this Hon'ble may be graciously be pleased to:

- a) grant exemption to the Applicants from filing certified copies/originals and typed fair and clear copies of the dim annexures /documents the interest of justice and also for not leaving proper left-handmargin and may please entertain the Petition as it such, and/or,

- b) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

THROUGH



(GARIMA SHARMA)

ADVOCATE FOR THE PETITIONERS
13, RING ROAD, FIRST FLOOR,
LAJPAT NAGAR -110024
PHONE: 26441414, 26441313, 9711561714
Email: garima9124@gmail.com

New Delhi
Dated: 08.07.2020

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | VERSUS | ...PETITIONERS |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Indra, W/o Shri Jitendra Bhardwaj, R/o House No. 154, Village Gamdi, Bhajanpura, Delhi-110053, aged about 31 years do hereby solemnly affirm and declare as under:

- 1) That I am the Petitioner No.1 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

VERIFICATION

Imelia

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Gavin
IdentifiedImelia
DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION

C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Vijay Chandra, W/o Late Shri Raju Trivedi, R/o House No. J 698, Gali No. ½, Kartar Nagar, South East Delhi, aged about 42 years do hereby solemnly affirm and declare as under:

- 1) That I am Petitioner No.2 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

Asit Singh

DEPONENT

81

VERIFICATION

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Asit Singh
Identified

Asit Singh
DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

**APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL
PROCEDURE, 1908 SEEKING EXEMPTION FROM FILING
ORIGINAL ATTESTED AFFIDAVIT/ ADVOCATE WELFARE
FEE/ COURT FEE ETC**

TO,
THE HON'BLE CHIEF JUSTICE AND HIS COMPANION
JUDGES OF THE HON'BLE HIGH COURT OF DELHI AT NEW
DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

Most Respectfully Showeth:

- 1) That the Applicants have filed the accompanying writ petition seeking prayers mentioned therein.
- 2) That for sake of prolixity the Applicants are not repeating the contents of the Writ Petition.
- 3) That the matter is urgent in nature in terms of the urgency expressed in the writ petition. In view of the urgency and the Covid-19 pandemic, petitioners have been unable to file attested affidavits, court fee.


- 4) Petitioners could not get the affidavits attested in the present harsh and extreme situation caused by COVID-19.
- 5) That due to extreme situation caused by COVID-19, the Court-Fee and advocate welfare fee is also not available. The service of court-fees is completely closed and thus Petitioners could not make any arrangement for the same.
- 6) That due to the above said situation, the Petitioners could not file the notarized/ attested affidavit in the present Writ Petition and thus are seeking an exemption from filing the same and due to the above said situation Petitioners could not file the requisite Court Fees in the present Counter Affidavit. The requisite Court Fees and the necessary affidavit would be filed as soon as normalcy is restored or as directed by the Hon'ble Court.
- 7) That the present application for exemption is being made bonafide and in the interest of justice.
- 8) That the applicants will suffer grave and irreparable injury if the present application is not allowed.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the application and grant exemption from filing affidavit/Court Fees/ advocate welfare fee in support of the present Writ Petition; and/or
- b) Pass such order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

THROUGH


(GARIMA SHARMA)
ADVOCATE FOR THE PETITIONERS
13, RING ROAD, FIRST FLOOR,
LAJPAT NAGAR -110024
PHONE: 26441414, 26441313, 9711561714
Email: garima9124@gmail.com

New Delhi

Dated: 8-7-2020

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION
C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

| | | |
|-----------------------|--------|----------------|
| MRS. INDRA & ANR. | VERSUS | ...PETITIONERS |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Indra, W/o Shri Jitendra Bhardwaj, R/o House No. 154, Village Gamdi, Bhajanpura, Delhi-110053, aged about 31 years do hereby solemnly affirm and declare as under:

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- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

VERIFICATION

Indira

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

Gauri
Identified

Indira

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRA ORDINARY CIVIL WRIT JURISDICTION

C.M. NO. _____ OF 2020
IN
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

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| MRS. INDRA & ANR. | | ...PETITIONERS |
| | VERSUS | |
| GOVT. OF NCT OF DELHI | | ...RESPONDENT |

AFFIDAVIT

I, Mrs. Vijay Chandra, W/o Late Shri Raju Trivedi, R/o House No. J 698, Gali No. ½, Kartar Nagar, South East Delhi, aged about 42 years do hereby solemnly affirm and declare as under:

- 1) That I am Petitioner No.2 in the above captioned writ petition and I am well conversant with the facts and circumstances of the present case and competent to depose this affidavit.
- 2) That the present application has been drafted by my counsel under my instructions, and the contents of the application are true and correct to the best of my knowledge and belief.
- 3) That the contents of the application be read as part and parcel of the present affidavit as the same are not repeated herein for the sake of brevity.

As 24-25
DEPONENT **88**

VERIFICATION

Verified at New Delhi on this 8th day of July, 2020 that the contents of my above affidavit are true and correct to the best of my knowledge & belief and nothing material has been concealed there from and no part of it is false.

*Gaur
Identified*

As 24-25
DEPONENT