



GOVERNMENT OF KERALA

Abstract

General Education Department-Guidelines for Recognition and for issuing No Objection Certificate to Schools for getting CBSE/ICSE Affiliation-Approved-Orders issued.

GENERAL EDUCATION (N) DEPARTMENT

G.O.(Ms) No.22/2019/GEDN Dated, Thiruvananthapuram, 01/03/2019

- Read
1. G.O.(MS) No.202/2011/G.Edn, dated 7.10.2011
 - 2.G.O.(MS) No.384/2012/G.Edn, dated 7.12.2012
 - 3.G.O.(MS) No.238/2014/G.Edn, dated 14.11.2014
 - 4.Judgment dated 5.7.2018 in W.P.(C) No. 31912/2014 and connected cases
 - 5.Judgment dated 11.12.2018 in W.P.(C) No. 31912/2014 and connected cases.
 - 6.Interim Order dated 28.1.2019 in W A No.173/2019
 - 7.Interim order dated 31.1.2019 in W.A.No.173/2019

ORDER

Government had laid down guidelines / conditions for the grant of No Objection Certificate to schools following CBSE/ICSE syllabus for affiliation to the CBSE/ICSE respectively as per Government order read as 1st above. Since 4.03.2016, No Objection Certificate was not being issued by Government as its policy.

The matter of granting recognition to schools under the Right of Children to Free and Compulsory Education Act, 2009 and the granting of No Objection Certificate to schools following CBSE/ICSE syllabus for affiliation to the CBSE/ICSE respectively was considered by the Hon'ble High Court vide references cited 4 to 7.

As per the directions of the Hon'ble High Court, Government had submitted draft guidelines / conditions for the grant of recognition to schools functioning without recognition under the Right of Children to Free and Compulsory Education Act, 2009 and for the grant of recognition and No Objection Certificate to schools following CBSE/ICSE syllabus for affiliation to the CBSE/ICSE respectively before the Hon'ble High Court. The Hon'ble High Court has approved the draft guidelines / conditions submitted by Government with certain modifications.

The Government took up the matter in appeal. The Division Bench of the Hon. High Court in its order dtd 28.1.2019 in WA 173/2019 and connected cases ordered as follows “ Government is permitted to process the recognition application in accordance with the CBSE Affiliation Byelaws 2018 dated 18.10.2018.” In accordance with the said order Government hereby issue the following guidelines/ conditions for the grant of recognition and issue of No Objection Certificates for seeking affiliation to CBSE/ICSE.

1. The grant of recognition and issue of No Objection Certificate to Schools conducting CBSE/ICSE syllabus for affiliation to CBSE/ICSE shall be fundamentally governed by the CBSE Affiliation Byelaws 2018 dated 18.10.2018 and as amended from time to time. Where any of the guidelines/conditions laid down hereunder contradicts the CBSE/ICSE Affiliation Byelaws, the guidelines/conditions in the CBSE to the extent of such contradiction shall prevail. Any question of such contradiction shall be referred to the Government of Kerala in the Education Department whose decision in the matter shall be final.
2. The school must be run by a Society registered under the Societies Registration Act, 1860 (21 of 1860), Travancore Cochin Literary Scientific and Charitable Societies Registration Act or a public Trust, Company, having non-proprietary character not vesting control in a single individual or members of a family and duly registered with

competent registering authority and registration shall be valid as on the date of application.

3. The Society or Trust or Company should have a properly constituted Governing Body.
4. The Society or Trust or Company should have financial stability. It should have permanent source of income to meet running expenses of the school, to maintain it at a reasonable standard of efficiency and to pay the salaries of teachers regularly and on time. The school must have sufficient financial resources to guarantee its continued existence, to meet the running expenses of the school and to undertake improvement/development of school facilities and capacity building of Teachers and Staff.
5. The Society/Trust/Company will ensure that the school is running as per the provisions of the relevant Central and State Acts and affiliation norms of the CBSE/ICSE as amended from time to time and shall be committed to provide quality education to the children and shall take necessary steps towards such a goal.
6. For the purpose of admission and extent of school's responsibility for Free and Compulsory education, the school shall be governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the rules framed thereunder by the Central and State Governments and such other orders, regulations, circulars etc. issued from time to time.
7. Admission in the schools affiliated to CBSE/ICSE shall be made without any distinction of gender, disability, religion, caste, creed and place of birth etc. Reservation, if any, shall be governed by the applicable laws.

8. The school shall satisfy the requirements of physical infrastructure including land and buildings as specified in the CBSE Affiliation Byelaws 2018.
9. The schools shall have suitable equipments and educational appliances which shall include:
 - a) Instruments for Mathematical Drawings;
 - b) Globes, Maps, Charts and other apparatus for the teaching of History, Geography and allied subjects;
 - c) Laboratory apparatus, materials and equipments for the teaching of various science subjects;
 - d) Necessary appliances for the teaching of special subjects or crafts;
10. Every school shall have a suitably equipped library, computer laboratory, science laboratory and Mathematics Laboratory as prescribed in the Affiliation Byelaws.
11. The school should also have spaces and rooms for extracurricular activities.
12. The school should provide adequate facilities for potable drinking water on each floor where there are more than one floor. It shall also provide clean healthy and hygienic toilets on each floor with washing facilities for boys and girls separately in proportion to the number of students as prescribed by the Government in the absence of specific provisions in this regard in the CBSE Affiliation Byelaws 2018. The toilets for the primary students should be separate from other toilets. There should be separate toilets for staff members.
13. The school shall provide sufficient first-aid facilities.
14. The School shall provide other support systems in accordance with the provisions laid down in Right of Persons With Disabilities Act, 2016.

15. The school should have suitable and sufficient furniture in the classrooms commensurate with the strength of students, teachers and staff.
16. The school should have playground and adequate facilities for providing recreation activities, sports and games and physical education as well as for conduct of various activities and programs for developmental education and for the social, cultural and moral development of the students and for safeguarding their health.
17. The school should scrupulously observe directions from the State Government/Municipal Authority/Transport Department regarding health and hygiene, drinking water, Fire-safety, Building safety and transport precautions in the school.
18. The minimum land area required for recognition of schools by the State Government shall be as prescribed in the CBSE Byelaws 2018 as amended from time to time.
19. The school shall have a School Management Committee as stipulated in the RTE Act 2009 and rules issued thereunder and also as per the provisions contained in the CBSE Affiliation Byelaws 2018. The provisions contained in the RTE Act, rules and regulations of the Central and State Governments will prevail upon the provisions related to School Management Committee in the Affiliation Byelaws.
20. The pupil-teacher ratio shall be as fixed in the Right of Children to Free and Compulsory Education Act, 2009, the rules, regulations made thereunder/CBSE Affiliation Byelaws.
21. The school site shall be at an elevated level in clean and healthy surroundings and shall be secured by boundary wall of sufficient and adequate height. All statutory certificates from the competent

authorities under the relevant laws shall be obtained for running the school as an Educational Institution.

22. School Buildings shall be constructed in compliance with the Kerala Municipality Building Rules/Kerala Panchayat Building Rules ensuring safety and security where there is no specification in this regard in the CBSE Affiliation Byelaws 2018. Doors and windows shall be of such dimension so as to ensure free flow and passage of air and light. The floor should be of a material which can be washed with water. Buildings with more than one floor shall have protective railing. Windows should be placed in regular distances to ensure uniform flow of light and air. There should be sufficient provision for ventilation. Provision of electric lighting, fans and connectivity to electronic equipments shall also be provided.
23. Extra rooms for teachers, staff and office room of sufficient requirements shall be provided.
24. The school buildings and other structures and area shall be used only for the purpose of education and skill development of students.
25. The school shall not run any unrecognized classes within the premises of the school or outside the school.
26. The school should be open to inspection by any officer authorized by the State Government.
27. The Societies/Trust/Companies are required to run schools without any profit motive. Admission Fee and Fee charged under any other head are to be charged only as per the regulations of the Central/State Government. No capitation fee or donations shall be charged for the purpose of admission of pupils. Fee revision of schools shall be subject to laws, regulations and directions of the Central/State Government.

28.The rate of tuition and other fees shall commensurate with the facilities provided and in tune with the Affiliation Byelaws, which shall be notified in the school website and yearly return on the fee charged shall be filed before the Officer as notified by the Government.

29.The school shall appoint only qualified and eligible teachers as mandated under the Right of Children to Free and Compulsory Education Act 2009, the rules and regulations issued thereunder and CBSE Affiliation Byelaws 2018. The qualifications, recruitment and service rules in respect of Principal, Vice Principal, Teachers and other staff shall be as specified in chapter 5 of the CBSE Affiliation Byelaws 2018.

30.The school shall furnish such reports and such information as may be required from time to time and comply with such instructions of the Government as may be issued to secure the continued fulfillment of the conditions of recognition or the removal of deficiencies in the working of the school.

31.The curricula to be followed shall be as prescribed by SCERT/NCERT/CBSE.

32. The school must follow the directions issued by the Central/State Government/respective Boards from time to time regarding introduction of the innovative practices in the area of curriculum, Pedagogy and evaluation.

**FORM OF APPLICATION FOR RECOGNITION AND NOC
FOR AFFILIATION**

(Part- A)

(This shall be filled up by the school authorities and submitted before the District Educational Officer with all supporting documents and Certificates in Original)

A) GENERAL INFORMATION

1. Name of the school
2. Address of the school
3. Standard/Level/Class up to which recognition is sought
4. Name and Address of the Society/ Trust/Company running the school as on date.
5. Is the Trust/Society/Company duly registered with the competent registering authority and whether the registration is valid as on date.
6. Purpose of the present application
7. Location of the school

B) INFORMATION REGARDING LAND DETAILS AND OWNERSHIP

1. Is the school situated on a single contiguous plot of land bounded on all sides by boundary wall?
2. Are both the school and Play ground situated in a single compound bounded by boundary wall on all sides?
3. Total area (in square meters in which the school is situated). Whether it satisfies the land requirement as prescribed in the Affiliation Byelaws?
- 4 (a) Whether the land is owned by the Society, Trust or Company running the school
- 4(b) Whether the land is in sole possession of the Society, Trust, Company etc.

5. In case of lease, the name of owner and the period of lease

C. INFORMATION REGARDING ESSENTIAL SAFETY REQUIREMENTS

1. Has the school compound been checked by the public health department and the health and sanitary conditions been found satisfactory? Whether the water supplied for drinking is safe and adequate facilities provided?

2. Whether the school provides sufficient first-aid facilities and other support systems as per the provisions in RPWD Act, 2016?

3. Whether the school scrupulously observe the prescriptions from the State Government/Municipality/Transport Department regarding health and hygiene, fire safety, Building safety and Transport facilities in the school?

D. INFORMATION REGARDING STAFF

1. Does the school have well defined service rules and conditions for its employees as per the relevant norms of the appropriate Government?

2. Is the school paying salary to the teachers and other employees as per the norms prescribed by the State Government?

3. Is the salary being paid through Bank by mode of electronic clearing?

4. Whether the pupil-teacher ratio followed is as per the prescription in Right of Children to Free and Compulsory Education Act, 2009?

Part (B)

(This part is to be filled by the District Educational Officer after verifying all supporting documents and certificates in original and after visiting the school)

This is to certify that the information furnished above, provided by the school have been verified on the basis of all supporting documents and certificates and also visiting the schools. The information furnished is found to be correct. The application is therefore recommended for granting recognition.

DISTRICT EDUCATIONAL OFFICER

Documents to be attached along with the application for recognition and NOC for affiliation

- a. Application seeking recognition and NOC for affiliation alongwith the Appendix II/III as the case may be of the CBSE Affiliation Byelaws 2018, duly filled in;
- b. Documents to prove that the school is managed by a Registered Society/Trust/Company ;
- c. Details of the governing body;
- d. Documents to prove the details of ownership of landed property of the schools;
- e. Documents to prove lease in case the land is occupied on the basis of a lease agreement;

- f. Possession certificate;
- g. Location Sketch;
- h. Site plan, plan of the building and building fitness certificate issued by the Local Self Government Institution.
- i. Fire Certificate from the Fire & Rescue Service Department / Government approved agency.
- j. Certificate obtained from the Health Officer regarding the Health and sanitary condition of the School;
- k. Details of equipments and furniture;
- l. Details of staff and teachers now working with qualification;
- m. Documents to prove financial stability of the management to meet the running expenses of the school ;
- n. Agreement of the management in stamp- paper worth Rs.200/- to the effect that the school and its records shall be opened for inspection to the inspecting officers authorized by the Government so as to enable such officers to assess the standard of instruction provided by the school and the management shall, at any time render all facilities and assistance to conduct such inspection;
- o. Declaration that no unrecognized classes /branches shall be run within the premises of the school or outside in the same name of the school;
- p. UID numbers of all students enrolled in the school(not mandatory)

Applications from those schools received in compliance of the judgment dated 5.7.2018 in WPC No.31912/2014 and connected cases alone shall be processed. In order to ensure this the date of remittance of the prescribed fee shall be the criterion. The schools conducting classes under CBSE/ICSE approved syllabus only shall be entitled to submit applications.

(By order of the Governor)
A.SHAJAHAN
SECRETARY

To:

The Advocate General, Ernakulam (With covering letter)

The Director of Public Instructions Thiruvananthapuram

All the Deputy Directors of Education/ District Educational Officers/Assistant Educational Officers

All District Collectors

✓ I & PR (Web & New Media) Department (For uploading in the website)

Stock File & Office Copy

Forwarded /By order



Section Officer



IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE K. SURENDRA MOHAN

&

THE HONOURABLE MR. JUSTICE N. NAGARESH

Thursday, the 31st day of January 2019/11th Magha, 1940

WA No.173/2019

Against Judgment dated 5.7.2018 in WP(C) No.7980/2018 and order dated 31.10.2018 in RP.No.895/18 in W.P(C) No.7980/2018 and order dated 11.12.2018 in W.P. (C) No.7980/2018 of this Court.

APPELLANTS/RESPONDENTS IN THE WRIT PETITION

1. STATE OF KERALA
REP.BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001
2. THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, CHAVARA P.O.,
KOLLAM-691 583.

BY GOVERNMENT PLEADER

RESPONDENT/PETITIONER IN THE WRIT PETITION

1. THE MANAGER, MAHATMA PUBLIC SCHOOL
KOTTACKAKOM, CHAVARA P.O., KOLLAM, PIN-691 583

ADDL.R2 SECRETARY (AFFILIATION),
CENTRAL BOARD OF SECONDARY EDUCATION,
CBSE BHAVAN, SHIKSHA KENDRA, 2, COMMUNITY STREET,
PREET VIHAR, NEW DELHI 110092.

*ADDL.R2 IS IMPEADED AS PER ORDER DATED 31.01.2019 IN I.A.NO.2/2019
IN W.A.173/2019

BY ADV.C.S.AJITH PRAKASH FOR R1.

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to permit the appropriate Government to process recognition application considering the extent of land prescribed in clause 13 of the draft guidelines produced before the learned Single Judge in W.P(C)No.7980/2018 as the basis and affiliation application based on the norms prescribed by the Examination Board concerned for grant of NOC for affiliation pending final disposal of the Writ Appeal.

This Writ Appeal again coming on for orders on 31.01.2019 upon perusing the appeal memorandum and this court's order dated 28.01.2019, the court on the same day passed the following:-

(p.t.o)

K.SURENDRA MOHAN & N.NAGARESH, JJ.

I.A.No.2 of 2019
in
W.A. No.173 of 2019

Dated this the 31st day of January, 2019

ORDER

Surendra Mohan, J.

I.A.No.2 of 2019

Heard. This petition is allowed. Additional second respondent is impleaded in the Writ Appeal.

Writ Appeal

The time stipulated by the learned Single Judge in the judgment appealed against for processing the applications pending before it seeking recognition and affiliation is extended up to 31.03.2019 on condition that, no further extension of time shall be sought for. The processing shall be in accordance with the CBSE Affiliation Bye-laws, 2018. Though we have extended the time limit up to 31.03.2019, we expect the Government to process the applications, as expeditiously as possible, without waiting for the last day of the time limit.

Post for admission on 14.02.2019.

SD/- K. SURENDRA MOHAN, JUDGE

SD/- N. NAGARESH, JUDGE

//TRUE COPY//

At muni
01/2/19
ASSISTANT REGISTRAR

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