ABSTRACT

School Education – Admission of Children in the unaided private schools as per the provision of 12 (1) (c) of Right of Children to Free and Compulsory Education Act, 2009 – Reimbursement of fees for the year 2017-2018 – Orders issued.

SCHOOL EDUCATION (MS) DEPARTMENT

G.O. (MS) No.37

Dated 28.02.2019

Read:

2. G.O.(Ms)No.174, School Education (C2) Department, dated 08.11.2011
3. G.O.(Ms)No.102, School Education Department, dated 16.05.2015.
4. G.O.(Ms)No.52, School Education Department, dated 24.03.2017.
5. G.O.(Ms)No.52, School Education Department, dated 21.03.2018.

ORDER:-

In the Notification 1st read above, the Right of Children to Free and Compulsory Education Act, 2009 came into effect from 01.04.2010. Section 38 of the above Act provides that the appropriate Government may by notification make rules for carrying out the provisions of the said Act. Accordingly, the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 were framed and published in the Government Gazette in the Government order 2nd read above.

2. The Right of Children to Free and Compulsory Education Act, 2009 under Section 12(1)(c) and 12(2) states as follows:-

12 (1) (c) “specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five percent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion: Provided further that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a)
to (c) shall apply for admission to such pre-school education."

12 (2) The School specified in sub-clause (iv) of clause (n) of section 2 providing free and compulsory elementary education as specified in clause (c) of sub-section (i) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State or the actual amount charged from the child whichever is less, in such manner as may be prescribed:

3. Further, Part IV, section 9(1) of Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 defines reimbursement of per-child expenditure by the State Government for the purpose of sub-section (2) of section 12 of the above Act as follows:-

"The per-child expenditure shall be the expenditure incurred by the State Government for a child in the Government School or the fee fixed by the Committee constituted under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Tamil Nadu Act 22 of 2009) in respect of the School where the child is admitted whichever is less"

4. The Government of India has issued a revision of norms of Sarva Shiksha Abhiyan frame work for implementation with effect from 1st April 2014. In the said norms, it has been stated that "to assist the States and Union Territories under Sarva Shiksha Abhiyan towards reimbursement cost incurred with respect to admission under Section 12 (1) (c) of the Right to Education Act, the reimbursement would be based on per child norms notified by the State / Union Territories concerned for classes I to VIII subject to a maximum ceiling of 20% of the total Annual Work Plan and Budget (AWP&B) approved by the Government of India for a State under Sarva Shiksha Abhiyan".

5. Consequent to the issue of detailed guidelines, the process of admitting the children belonging to weaker section and disadvantaged group started from the academic year 2013-2014 onwards.

6. In G.O 3rd, 4th and 5th read above the Government have sanctioned a sum of Rs.97.05 crores for the year 2013-14 and Rs.124,93,54,240/- for the year 2015-16 and Rs.1,79,99,24,199/- for the year 2016-2017 towards reimbursement of fee claimed by the unaided private schools for admission of the children, under section 12 (1) (c) of RTE Act 2009 respectively.

7. In the G.O 6th read above, the Government have notified the cost of per child expenditure incurred on education by this State for the year 2017-18 for the purpose of reimbursement to Private Schools.

8. The statement showing the number of children admitted in LKG and 1st Std during the years from 2013-14 to 2017-18 and the children studying in the classes continuously during the year 2017-18 is as below:-
<table>
<thead>
<tr>
<th>S. No.</th>
<th>HOD</th>
<th>Number of children admitted under sec.12(1)(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LKG I</td>
</tr>
<tr>
<td>1.</td>
<td>DMS</td>
<td>50061 87</td>
</tr>
<tr>
<td>2.</td>
<td>DEE</td>
<td>42165 10</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>92226 97</td>
</tr>
<tr>
<td>Grand Total</td>
<td>92323</td>
<td>88060</td>
</tr>
</tbody>
</table>

9. The Director of Matriculation Schools in his letter 7th read above, has sent the claim for reimbursement of amount for the students admitted during 2017-18 and for the children already admitted and continuing their education. He has also requested to issue orders for sanction of an amount of Rs. 248,75,87,118/- towards reimbursement of fee for 25% admission under RTE Act in unaided Private Schools during the year 2017-18 as mentioned below:-

<table>
<thead>
<tr>
<th>S. No.</th>
<th>HOD</th>
<th>Estimated Budget for the Reimbursement of Fees to the Children admitted under RTE Act during the Years 2013-14 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LKG I Sdt</td>
</tr>
<tr>
<td>1.</td>
<td>DMS</td>
<td>386697103</td>
</tr>
<tr>
<td>2.</td>
<td>DEE</td>
<td>239993144</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>626690307</td>
</tr>
</tbody>
</table>

10. The Government, after careful consideration, accepted the proposal of the Director of Matriculation Schools and sanction is accorded for a sum of Rs. 248,75,87,118/- (Rupees Two hundred and Forty Eight crore Seventy Five lakh Eighty Seven thousand and one hundred and Eighteen only) for the reimbursement of fee claimed by the unaided private schools for the children admitted as per section 12(1)(c) of Right of children to Free and Compulsory Education Act, 2009 during the year 2017-18.

11. The expenditure sanctioned in para 10 above shall be debited under the following head of account:-
2202-General Education-01-Elementary Education – 800 other Expenditure – State’s Expenditure-KU-Reimbursement of fee claimed as per the provision of
Section 12 (1) (c) of Right of Children to Free and Compulsory Education Act, 2009-09 Grants – in Aid – 03 – Grants for Specific Schemes (DPC Code 2202 01 800 KU 0934)

12. The Government direct that the amount sanctioned in para 10 above shall be deposited into the Public Deposit Account maintained by the Member Secretary, Tamil Nadu State Mission of Education for All, Chennai-6. The Director of Matriculation Schools shall present necessary bills in this regard in Pay and Accounts Office (South), Chennai-35 for credit of the amount in Public Deposit Account of Member Secretary, Tamil Nadu State Mission of Education for All, Chennai-6 in Account No.11443284157, maintained at Pay and Accounts Office.

13. The Government direct the State Project Director, Samagra Shiksha to utilize the grant sanctioned for the purpose for which it is sanctioned. The Government also direct the State Project Director, Samagra Shiksha to furnish proper Utilisation Certificate for the grant sanctioned above.

14. This order issues with the concurrence of Finance Department vide its U.O. No.9412/DS(RDSS)/2019, dated 28.02.2019.

(By Order of the Governor)

PRADEEP YADAV
PRINCIPAL SECRETARY TO GOVERNMENT

To
The State Project Director,
Samagra Shiksha, Chennai-6.
The Director of School Education, Chennai-6.
The Director of Matriculation Schools, Chennai-6.
The Director of Elementary Education, Chennai-6.
The Pay and Accounts Officer (South), Chennai-35.
The Accountant General, Chennai-18/35.
The Accountant General (By name), Chennai-18.
Copy to:—
The Finance (Edn-II/II/BPE/WM/LA), Chennai – 9.
The Personal Assistant to Hon’ble Minister for School Education, Chennai-9.
The School Education (SSA) Department, Chennai-9.
SF/Sc

//Forwarded By Order //

Section Officer