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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

Government of West Bengal
School Education Department,
Law Branch

NOTIFICATION

No. 190-SE (Law)/S/1A-01/09. – 14th February, 2011. – WHEREAS clause (c) of sub-section (1) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) (hereinafter referred to as the said Act) *inter alia* envisages that an unaided school not receiving any kind of aid or grants to meet its expenses from the State Government or the local authority (hereinafter referred to as the unaided school) shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education to such students till its completion;

AND WHEREAS as per clause (e) of section 2 of the said Act a child belonging to weaker section means a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification;

AND WHEREAS the Governor has considered it necessary and expedient to do so;

NOW, THEREFORE, in exercise of the power conferred under clause (e) of section 2 of the said Act, the Governor is pleased hereby to specify that a child shall be deemed to belong to a weaker section, if either parent of the child has been duly recorded as a person belonging to Below Poverty Line (BPL) family as per the list prepared by the appropriate local authority owing to his or her lower income;

The Governor is, in exercise of the power conferred under sub-section (2) of section 35 of the said Act, further pleased to direct that all the unaided school shall admit in class I, to the extent of at least twenty five per

cent of the strength of that class, children belonging to the weaker sections and disadvantage groups in the neighbourhood in the following manner:—

- (1) The twenty five per cent of the total strength of class I of the unaided school may, as far as possible, be distributed in the proportionate ratio as mentioned in the table below: —

Table

Sl. No.	Category	Ratio
(a)	for children belonging to the Scheduled Caste	22
(b)	for the children belonging to the Scheduled Tribe	06
(c)	for the children belonging to Other Backward Classes-A	10
(d)	for the children belonging to Other Backward Classes-B	07
(e)	for the children belonging to the weaker sections of the society	55

- (2) Every unaided school shall notify the number of seats reserved for weaker sections and disadvantaged groups in their admission notice for Class I every year.
- (3) The parent or guardian of a child applying for admission under the appropriate category mentioned hereinabove shall be required to produce a certificate issued by any of the appropriate authorities as specified under Memorandum No. 837-TW/EC dated 12 September, 1990 by the office of the then Scheduled Castes and Tribes Welfare Department, (presently Backward Classes Welfare Department) Government of West Bengal, as reproduced below:—

- A (i) District Magistrate, Collector, Addl. District Magistrate, Deputy Collector, Sub-Divisional Officer, Sub-Divisional Magistrate, Executive Magistrate, 1st Class Stipendiary Magistrate, Chief Metropolitan Magistrate, Calcutta, Addl. Chief Metropolitan Magistrate, Calcutta and Collector of Stamp Revenue and Deputy Collector of Land Revenue, Calcutta within their respective jurisdictions in case of candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within such jurisdictions;
- A(ii) Director, Scheduled Castes & Tribes Welfare, West Bengal and Deputy Director, Scheduled Castes & Tribes Welfare, West Bengal in case of candidates claiming to be scheduled Caste or Scheduled Tribe residing in any part of West Bengal;
- A(iii) A Member of Parliament, A Member of State Legislature, A Member of Zilla Parishad, A Councillor of Municipal Corporation, A Commissioner of Municipality and Any Group 'A' Officer of the State Govt., Mayors of Corporations; and
- A(iv) A Councilor of Darjeeling Gorkha Hill Council for candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within the jurisdiction of the Darjeeling Gorkha Hill council.

Explanation. — For the purpose of this paragraph, —

- (a) “appropriate authority” means an authority duly authorised to issue a certificate of Scheduled Caste or Scheduled Tribe or Other Backward Classes or Below Poverty Line, as the case may be, under any Act or order for the time being in force;
- (b) in case of an orphan or a child, whose parentage is not known, the concerned local authority may determine whether he or she belongs to the weaker section and certify accordingly.

- (4) (a) In case the numbers of applications received is more than the ratio-wise breakup of the twenty-five per cent of the total strength in class I, as arrived as per table above, first preference shall be given to the children coming under the Below Poverty Line category from amongst the Schedule Castes or Schedule Tribes or Other Backward Classes.
- (b) In case the number of applicants from any of the above category is less than the proportionate ratio provided hereinabove, the same shall be filled up from among the applicants in other categories on *pro rata* basis.
- (c) Among the category wise proportionate ration provided hereinabove in the table, at least 50% seats may be reserved for girl students in case of co-educational unaided schools.
- (5) Every unaided school shall submit to the concerned District Inspector of Schools every year a detail account of admission made by it pursuant to clause (c) of sub-section (1) of section 12 of the said Act.
- (6) Every authority of unaided school shall ensure that children from the weaker sections and disadvantaged groups admitted in the school are not discriminated against or segregated in any way and are dealt with in the same manner as in case of other children in the school.
- (7) All the expenses on account of study materials and uniform of the children belonging the weaker sections and disadvantaged groups admitted in an unaided school shall initially be borne by such school, which shall be reimbursed by the State Government in the School Education Department in accordance with the rules prescribed under sub-section (2) of section 12 of the said Act.

By order of the Governor

VIKRAM SEN
Secy. to the Govt. of West Bengal