

IN THE HIGH COURT OF DELHI AT NEW DELHI

W. P. (C) NO.8533 OF 2010

IN THE MATTER OF:

SOCIAL JURIST, A CIVIL
RIGHTS GROUP

VERSUS

...PETITIONER

GOVERNMENT OF NCT OF DELHI
AND OTHERS

...RESPONDENT

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THROUGH

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NEW DELHI 110024

NEW DELHI
DATED 13.02.2013

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W. P. (C) NO.8533 OF 2010

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AFFIDAVIT ON BEHALF OF RESPONDENT NO.2

I, Vikram Sahay, S/o. Late Shri Binay Kumar Sahay, aged 46 Years working as Director in the Ministry, of Human Resource Development, Shastri Bhawan, New Delhi, solemnly affirm as under:

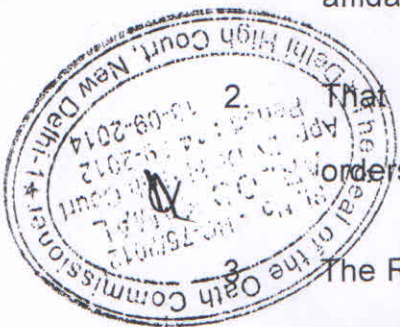
1. That at present I am working as Director in the Office of the Respondent No.2 and as such in my official capacity, I am acquainted with the facts of the case and competent to file this affidavit

2. That the present affidavit is being filed in compliance of the orders passed by this Hon'ble Court.

3. The Respondent No.2 craves leave of this Hon'ble Court to refer and rely upon the averments made in the Counter affidavit and the Written Submissions and the same are not repeated herein for the sake of brevity.

4. The Preamble of the Act states:

" An act to provide free and compulsory education to all children of the age of 6 to 14 years".



Section 2(c) of the RTE Act defines a "child" to mean a male or a female child of the age 6 to 14 years. Section 2(f) of the RTE Act defines "elementary education" as the education from first class to eighth class. Further, Section 3(1) of the Act provides that every child of the age of 6 to 14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.

5. There are, however, certain provisions of the Act which relate to children below 6 years and beyond 14 years. The said provisions are reproduced herein:

(i) Second proviso to Section 4 of the Act, relating to education of hitherto un-enrolled and drop out children, provides that such children shall have the right to free education till completion of elementary education even after 14 years of age.

(ii) Section 11 of the Act provides as under:

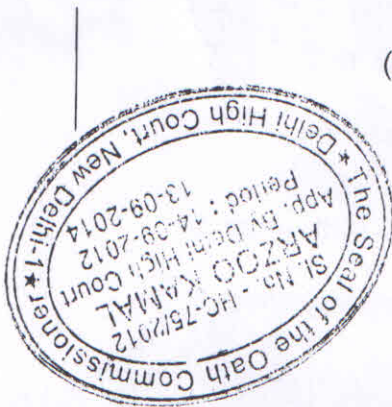
"11. Appropriate Government to provide for pre-school education – With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children."

(iii) Section 12(1) (c) of the Act provides as under:

"12. Extent of school's responsibility for free and compulsory education (i) For the purposes of this Act, a school –

(a)...

(b)...



(c) specified in sub clause (iii) and (iv) of Clause (n) of Section 2 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 neighborhood 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."

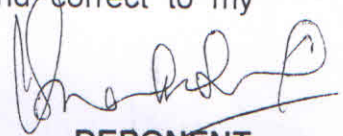
6. Section 13(1) of RTE Act states:

"13. No Capitation fee and screening procedure for admission: (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure."

Section 13 of the Act governs the admission for children between the age of 6 to 14 years in elementary education; further the Guidelines dated 23.11.2010 issued by the Respondent No.2 covers children between 6 to 14 years relating to admission in elementary education, except to the extent enumerated in clause 4 (i) of the Guidelines (relating to Section 12(1)(c) of the Act).

7. The State Governments may have its own policies governing admissions in pre-primary class.

I state that the above stated contents are true and correct to my knowledge and based on official records.

3 FEB 2013


DEPONENT

(विक्रम सहाय)

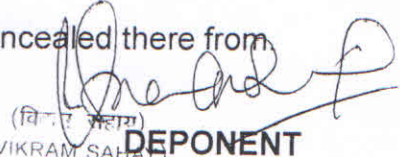
(VIKRAM SAHAY)

निदेशक/Director

मा.सं. वि. मन्त्रालय/Min. of H.R.D.
स्कूल शिक्षा विभाग
विश्वविद्यालय शिक्षा विभाग
नई दिल्ली/New Delhi

VERIFICATION:

Verified at New Delhi on 13th day of February 2013 that the contents of the aforesaid affidavit are true to my knowledge and belief and based on information received and believed to be true and based on official record. Nothing material has been concealed there from.



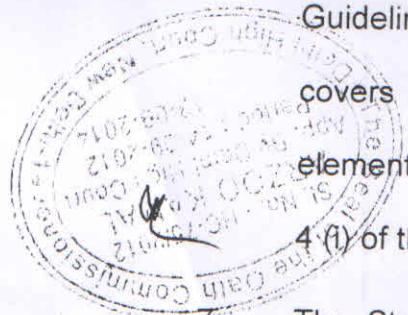
DEPONENT

(VIKRAM SAHAY)

निदेशक/Director

मा.सं. वि. मन्त्रालय/Min. of H.R.D.
स्कूल शिक्षा विभाग
विश्वविद्यालय शिक्षा विभाग
नई दिल्ली/New Delhi

I IDENTIFY THE DEPONENT WHO HAS SIGNED IN MY PERSEANCE



13 FEB 2013