



Affiliated to CBSE, New Delhi

SMD SMD WORLD SCHOOL

Kot Sukhia(Faridkot)

Affiliated & Recognized to CBSE, New Delhi

Affiliation No: 1630827

Ref. No. SMD/701/2023,

Date. 13/06/2023.

To

The District Education Officer (E.Edu.)
Faridkot

Reference: Certificate no. SSA-RTE/2192 issued to the school by your good office under RTE Act-2009

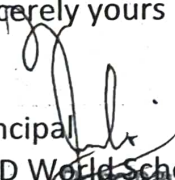
Subject: To obtain PERMANENT RECOGNITION CERTIFICATE under RTE Act- 2009 in respect of the SMD World School, Kot Sukhia(Faridkot) in place of the PROVISIONAL RECOGNITION CERTIFICATE issued earlier for a period of 3 years-Regarding.

Dear sir,


With reference to the above said Provisional Recognition Certificate issued by your good office to the SMD World School, Kot Sukhia (Faridkot) for a period of 3 years from 01.04.2019 to 31.03.2022, It is stated that in view of the judgment given by the honorable Punjab & Haryana High Court dated 12.04.2023 (Copy attached), the provisional recognition certificate issued to the school may be rectified & instead a PERMANENT RECOGNITION CERTIFICATE under RTE Act-2009 may kindly be issued from 01.04.2022 onwards.

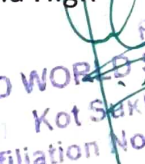
Thanking you in anticipation.

Sincerely yours


Principal
SMD World School
Kot Sukhia (Faridkot)
Kot Sukhia (Fdk.)

- Enclosures: (1) Provisional Recognition Certificate Issued to the school for a period of 3 years.(From 01.04.2019 to 31.03.2022)
(2) The copy of Judgment give by honorable Punjab & Haryana High Court dated 12.04.2023.


Chairman
Seth Sant Ram Thapar Memorial
Charitable Trust (Regd.)
H.O. Kot Sukhia (Faridkot)


Principal
SMD WORLD SCHOOL
Kot Sukhia (Faridkot)
Affiliation No. 1630827

**OFFICE OF THE DISTRICT EDUCATION OFFICER (EE),
FARIDKOT**

No. SSA-RTE/ 2192

Dated : 1-9-2020

To

The Principal/Manager,
SMD World School
Kot Sukhia.

Subject : Recognition Certificate for the school under sub-rule (4) of rule 11 of Right of Children to Free and Compulsory Education Rules, 2011 for the purpose of section 18 of Right of Children to Free and Compulsory Education Act, 2009.

Dear Sir/Madam,


With reference to your application and subsequent correspondence with the school/inspection in this regard, I convey the grant of provisional recognition to the SMD World School for class 1st to class 8th for a period of three year w.e.f. 1.4.2019 to 31.3.2022.


The above sanction is subject to the fulfillment of the following conditions, namely :

1. The grant for recognition is not extendable and does not in any imply any obligation to recognize/affiliate beyond Class VIII.
2. The school shall abide by the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (Annexure-I) and the Right of Children to Free and Compulsory Education Rules, 2011 (Annexure-II).
3. The school shall admit in class 1, to the extent of 25% of the strength of that class, children belonging to the weaker section and the disadvantaged group in the neighborhood and provide Free and Compulsory Elementary Education till its completion:

Provided, that in case of Pre-primary classes also, this norm shall be followed.

4. For the children referred to in paragraph 3, the school shall be reimbursed as per sub-section 2 of section 12 of the Act. To receive such reimbursement, the school shall provide a separate bank account.
5. The school shall not collect any capitation fee and subject the child or his or her parents or guardians to any Screening Procedure.
6. The school shall not deny admission -
 - (a) to any child for lack of age proof ; or
 - (b) if such admission is sought subsequent to the extended period prescribed period prescribed for admission ; or
 - (c) on the ground of religion, caste or race, place of birth or any of these reasons.
7. The school shall ensure that -
 - (a) no child admitted, shall be held back in any class or expelled from school till the completion of elementary education in a school ;
 - (b) no child shall be subjected to physical punishment or mental harassment ;
 - (c) no child is required to pass any board examination till the completion of elementary education ;
 - (d) every child completing elementary education shall be awarded a certificate as laid down under rule 21 ;
 - (e) inclusion of students with disabilities/special needs as per the provisions of the Act ;
 - (f) the teachers are recruited with minimum qualifications, as laid under sub-section (1) of section 23 ; provided that the existing teachers who, at the time of commencement of the Act, do not possess the minimum qualifications, shall acquire such qualifications within a period of 5 years from the date of commencement of the Act.


Seth Sant Ram
Charitable Trust (Regd.)
H.O. Kot Sukhia (Faridkot)


Principal
SMD WORLD SCHOOL
Kot Sukhia (Fdk.)
Affiliation No. 1630827

- (g) the teachers perform their duties, specified under sub-section (l) of section 24 of the Act ;
and
(h) the teachers shall not engage himself or herself in any private teaching activities.

8. The school shall follow the syllabus on the basis of curriculum laid down by appropriate authority.

9. The school shall enroll students proportionate to the norms and standards available in the school as specified in section 19 of the Act.

10. The school shall maintain the standards and norms of the school as specified in section 19 of the Act. The facilities reported at the time of last inspection, if made, are as given under :-

Area of school campus	2 Acre
Total built up area	3815 sq.mt
Area of playground	4278 sq. mt.
No. of classrooms	28
Room for Headmaster-cum-Officer-cum-Storeroom	Yes
Separate toilet for boys and girls	Available
Drinking water facility	Available
Kitchen for cooking Mid Day Meal	Yes
Barrier free access	Available
Availability of teaching learning material/ play sports equipment library	Available

11. No un-recognized classes shall be run within the premises of the school or outside of the prernises in the same name of school.

12. The school buildings or other structures or the grounds shall be used only for the purpose of education and skill development.

13. The school is run by a society registered under the Societies Registration Act, 1860 (Act No.21 of 1860), or a public trust constituted under any law for the time being in force.

14. ~~The school is not run for profit to any individual, group or association of individuals or any other persons.~~

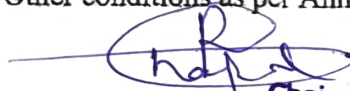
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the statements of accounts should be sent to the District Education Officer every year.


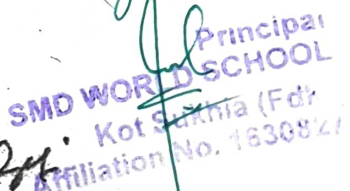
16. The recognition code number allotted to your school is **SSA-RTE/ 2192**
(This may please be noted and quoted for any future correspondence with this office).

17. ~~The school furnishes such reports and information, as may be required by the Director or District Education Officer from time to time and complies with such instructions of the State Government/Local Authority, as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school.~~

18. Renewal of Registration of Society, if any, be ensured.

19. Other conditions as per Annexure-III enclosed.


Chairman
Seth Sant Ram Thapar Memorial
Charitable Trust (Regd.)
H.O. Kot Sukhna (Faridkot)


District Education Officer (EE),
Faridkot

SMD WORLD SCHOOL
Kot Sukhna (Fd)
Affiliation No. 1638841

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7238-2023

Date of decision : 12.04.2023

Federation of Private Schools and Associations of Punjab

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Arjun Partap Atma Ram, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab
for the respondents.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the letter dated 09.01.2023 (Annexure P-10) with a further prayer for issuance of a writ of mandamus directing the respondents to issue permanent recognition orders to the members of the petitioner/Federation in terms of the provisions of The Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as "RTE Act 2009") and the Rules framed thereunder.

Learned counsel for the petitioner has submitted that the Indian Parliament had framed the Right of Education to Free and Compulsory Education Rules 2010 in terms of the RTE Act 2009 and Rule 15 and Rule 16 specifically deal with the procedure for recognition and withdrawal of recognition, respectively and a cumulative reading of the said two Rules

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2023:PHHC:049800


would show that there is no provision for grant of a yearly/tenure recognition and in the said rules, there is only a one time recognition unless it is withdrawn under Rule 16 of 2010 Rules. It is further submitted that the State of Punjab, in terms of Section 38 of the RTE Act, has promulgated The Punjab Right of Children to Free and Compulsory Education Rules, 2011 and Rule 11 and 12 of the same are in pari materia with Rules 15 and 16 of the 2010 Rules framed by the Union of India. It is stated that the action of the authorities in granting recognition under the RTE Act / RTE Rules on a yearly / tenure / provisional basis, is, de hors the provisions of the Rules. It is further stated that the issue at hand is squarely covered by a judgment of a Coordinate Bench of this court in CWP no.12389 of 2021 titled as "Ameliorating India, NGO vs. State of Punjab and others" decided on 02.11.2021 (Annexure P-8) and has submitted that inspite of the said judgment, instructions are being issued again for grant of provisional recognition. It is submitted that as per the latest correspondence between the District Education Officer, Ludhiana dated 14.03.2023 and the Director Public Instructions (E.E.), Punjab, SAS Nagar, request has been made by the concerned authority to guide the authorities in terms of the judgment passed by Coordinate Bench of this Court. It is further submitted that for the grievances raised by the petitioner, the petitioner has given a representation dated 12.01.2023 and at this stage, he would be satisfied in case the Secretary, Department of School Education, takes a final decision on the said representation in a time bound manner. It is prayed that while adjudicating the same, the judgment of coordinate Bench (Annexure P-8), against which no LPA has been filed, be also taken into consideration.

Learned State counsel has submitted that the matter is under consideration and a final decision on the said aspect would be taken by the

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SMD WJF
Kot Sukhia (F.O.)
No. 12389/21


Chairman
Seth Sant Ram Thapar Memorial
Charitable Trust (Regd.)
H.O. Kot Sukhia (Faridkot)



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Secretary within a period of six weeks from the date of the receipt of certified copy of the present order.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the Secretary, Department of School Education to consider and decide the representation dated 12.01.2023 (Annexure P-11), in accordance with law within a period of six weeks from the date of receipt of the certified copy of the present order. While taking a decision, the judgment of the coordinate Bench of this Court passed in CWP no.12389 of 2021 titled as "Ameliorating India, NGO vs. State of Punjab and others" decided on 02.11.2021 (Annexure P-8) be also taken into consideration.

(VIKAS BAHL)
JUDGE

April 12, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No

[Handwritten signature]
Principal
Seth Sant Ram Thapar Memorial
Charitable Trust
1111303

[Handwritten signature]
Chairman
Seth Sant Ram Thapar Memorial
Charitable Trust (Regd.)
H.O. Kot Sukhia (Faridkot)