

No. – 575 / 68-3-2018-2041 / 2023

From,

Yatindra Kumar,
Special Secretary,
Government of Uttar
Pradesh.

To,

Director of Education
(Basic),
Uttar Pradesh, Lucknow.

Basic Education

Section-3 Lucknow: Date: 26 September, 2023 **Subject – Instructions regarding recognition of non-government primary and junior high schools.**

Sir,

With reference to the above subject and your letter no. Shi.Ni.(B)/Vidhi-3/20857/2023-24 dated 03.07.2023, I have been directed to state that with regard to granting recognition to non-government primary and junior high schools, the prescribed standards and conditions as laid down under Government Order No. 89 / Asha-3-2018-2041 / 2018 dated 11.01.2019 and amended Government Order No. 196 / Asha-3-2020-2041 / 2018 dated 29 June 2020 and Government Order No. 64 / Asha-3-2021-840 / 2020 dated 11 February 2021 are to be complied with.

2 – In view of the provisions mentioned in the Right of Children to Free and Compulsory Education Act, 2009 and the Right of Children to Free and Compulsory Education Rules, 2011 notified by the State Government, and in view of the orders passed by the Hon'ble High Court in Writ Petition No. 4400 / 2019 (M/S S.N.S. Convent School vs State of U.P. and others) vide order dated 20.09.2019 and Writ Petition No. 6268 / 2023 (Kushal Devi Mahila Mahavidyalaya vs State of U.P. and others) vide order dated 25.05.2023, it is necessary to update the rules relating to recognition of schools operated by private managements in the State and the departmental instructions issued earlier in accordance with the said orders. Therefore, after due consideration, His Excellency the Governor, under Section 13 of the Uttar Pradesh Basic Education Act, 1972, has by exercising the powers conferred under Sub-rule-1, the existing rules for granting recognition to non-government primary and junior high schools are amended as follows:-

I- Standards and conditions for obtaining recognition of non-government primary and upper primary schools (new):-

- (1) The institution operating the school shall be registered under the Societies Registration Act, 1860 or be a public trust.
- (2) The school shall not be operated for the purpose of earning profit for any individual, group of individuals, or association.
- (3) Every recognized school shall be provided, through its management, with adequate resources for proper operation of the school, and for the subjects for which such school has been granted recognition, arrangements of adequate facilities shall be made in accordance with the standards prescribed by the Basic Education Council.
- (4) No education shall be imparted in a recognized school in any curriculum other than the curriculum or textbooks prescribed by the Basic Education Council, nor shall any other textbooks be used.
- (5) Arrangements shall be made in all schools for the singing of the National Anthem and National Song.
- (6) An affidavit shall be given by the management of the recognized school that it shall comply, from time to time, with the issued Government Orders, departmental instructions, and guiding principles.

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- (7) It shall be mandatory to follow the policies prescribed for promoting national unity, the National Flag, and secularism as provided in the Constitution of India, as well as human values, and to comply with the orders issued by the Government from time to time.

- (8) The buildings and premises of the school shall not be used in any manner for commercial or residential purposes, but shall be exempt for residential use by employees related to the security of the school.
- (9) The school building, premises, or rooms shall not be used for any political or non-educational activities.
- (10) On the front of the school building, the name of the school, year of recognition, school code, and the name, symbol, address, and name of the institution/trust granting recognition shall be clearly displayed in bold letters, and arrangements for display of the tricolour on the school building shall be mandatory.
- (11) The school may be inspected by any Government officer or local education officer. The school may be inspected by The Block Education Officer and officers of higher level of the Education Department than him or by an authorized officer through the District Magistrate.
- (12) By the district/mandal/state level officer of the Basic Education Department or by any other competent officer, whenever required, information and details shall be obtained from any school, and compliance of the directions of the State Government shall be ensured by the school.
- (13) An affidavit shall be given by the school management that admission shall be given to children belonging to disadvantaged groups and weaker sections under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009.
- (14) For obtaining recognition of the school, any society/trust registered under the Societies Registration Act or Trust Act applicable in the field of education may apply. Schools operated by private management shall be granted recognition in the following categories as an institution:
- (1) Primary School (Primary level up to 5 classes).
 - (2) Upper Primary School (Boys/Girls) (three classes of junior high school level).
- (15) The medium of instruction shall be Hindi/English, and international standards of numerals shall be used. Hindi shall be taught as a compulsory subject.
- (16) Admission of children of all classes, religions, and castes in the school shall be mandatory.
- (17) For recognition of classes at primary and upper primary level, along with fulfilling the above conditions, it shall be mandatory to fulfill the following conditions also:-
- (a) Building** –The school shall be situated on a road with a minimum width of 30 feet. As per requirement, the school shall have a suitable own building, or in case of not having a private building, it shall be on lease for a minimum period of 25 years. If there is any deficiency or dispute regarding the building, the case shall be considered for recognition. The land taken on lease shall be free from dispute and under no circumstances shall the leased building be in an unsafe or dilapidated condition, and it shall be fully suitable for teaching-learning. Recognition under residential areas or industrial areas shall also be considered in such cases where land use has been recorded in the master plan/sector plan in the name of the school. It shall be mandatory for the school to be affiliated with the competent authority.
- (b)** By the school management, a certificate shall be obtained from the concerned auxiliary agency regarding the school building in accordance with the standards of the National Building Code. The quality of the building shall be ensured as per the National Building Code. For inspection, an application shall be made to the Chief Development Officer on the prescribed proforma by the school management. The inspection shall be conducted by the Chief Development Officer through the Assistant Engineer of the Construction Department, Education Department, Urban Development

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Department, and Rural Engineering Department or by any officer authorized by them. The inspecting officer shall ensure that the floors and walls of the school building are fully strong and that adequate arrangements have been made to protect the building from heat and cold. The classrooms shall be ventilated and well-lit. More than one exit door shall be provided. Staircases and ramps shall be suitable for use. The building shall be constructed in accordance with the standards prescribed in the latest National Building Code, so that in the event of any emergency, no obstruction is caused to the movement of children.

(c) For easy access of children with disabilities to the school, full compliance of the latest Government Orders and guiding principles issued by the Government of India/State

Government from time to time shall be ensured. The responsibility for the strength, safety, and maintenance of the school building shall rest with the concerned management.

(d) Fire-fighting equipment shall be installed in the school in accordance with the prescribed standards.

(e) Standards for class-rooms:-

(I) Primary Level -

For recognition of a primary level school, in each class-section, space at the rate of 09 square feet per student for 20 students, i.e., 180 square feet, shall be available. Accordingly, there shall be five class-rooms of 180 square feet each, one staff room (150 square feet), one Headmaster-cum-office room (150 square feet), and in addition thereto, one multipurpose room (400 square feet) shall be mandatory for other educational activities. Such multipurpose room may be used for conducting educational activities. Admission shall be granted to only that number of students for whom proper seating arrangements are available in accordance with the prescribed standards.

(II) Upper Primary Level -

For recognition of an upper primary level school, in each class-section, space at the rate of 09 square feet per student for 30 students, i.e., 270 square feet, shall be available, and the following size rooms shall be available: one class-room (150 square feet), one Headmaster-cum-office room (150 square feet), one science laboratory 20×30 (600 square feet), and in addition thereto, a multipurpose room (400 square feet) shall be mandatory for other activities, so that children can conduct educational activities in the classroom in a safe manner. Admission shall be given to only that number of students for whom proper seating arrangements are available in accordance with the prescribed standards. **(f)** The school shall have a library and a laboratory.

(g) Separate rooms shall be available for the Headmaster, office, and staff.

(h) Separate toilets, washrooms, and proper hand-washing arrangements shall be available for boys/girls and teachers/teacheresses.

(i) Proper arrangements for clean (potable) drinking water shall be available in the school.

(j) Playground - For sports, it shall be mandatory to have a playground in the school premises or near the school premises, as under:-

Urban Area - For primary school: 500 square meters and for junior high school: 1000 square meters.

Rural Area - For primary school: 1000 square meters and for junior high school: 2000 square meters.

(k) There shall be an adequate number of trees and plants in the school, so that children can carry out teaching-learning activities in a natural environment.

- (18) Library, teaching aids and equipment:- Various subject-related books for students shall be available in the school. In addition to this, sports materials, human anatomy models, various educational charts, general knowledge, teaching aids, and newspapers/magazines, etc. shall also be available.

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The required science material as per the curriculum shall be available in the school. For effective teaching, as required, geographical maps, globes, subject-related charts shall be available. Visual and audio equipment, projector, computer, smart board, etc. may be arranged by the school as per its financial resources.

- (19) Application fee - For recognition at primary level, application fee of Rs. 5,000/- and for upper primary level Rs. 10,000/- shall be deposited in the Government Treasury of the concerned district under the relevant head of account.
- (20) Security amount - For primary school, a security amount of Rs. 25,000/- (Rupees Twenty Five Thousand only) shall be pledged in the form of FDR/NSC in the name of the District Basic Education Officer.
- (21) Recognition Committee - For recognition of primary schools, the following committee shall consider
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| 1 - District Basic Education Officer of the concerned district - | and decide:-
Chairperson |
|--|-----------------------------|

2- Block Education Officer posted at the district headquarters of the concerned district- Member / Secretary

3 - Lecturer nominated by DIET Principal- Member

The meetings of the Recognition Committee shall be held as per the prescribed time schedule, on the basis of which recognition orders of schools shall be issued by the District Basic Education Officer.

For recognition of upper primary schools, the following committee shall consider and decide:-

1 -Divisional Assistant Director of Education (Basic) -

Chairperson 2 -

District Basic Education Officer of the concerned district -

Member / Secretary

3 - Block Education Officer posted at the district headquarters -

Member

The meetings of the Recognition Committee shall be held as per the prescribed time schedule, and the proceedings of the meeting shall be kept secured in the office of the Assistant Divisional Director of Education (Basic). A copy of the proceedings shall be made available to the concerned District Basic Education Officer, on the basis of which recognition orders of schools shall be issued by the District Basic Education Officer.

(22)Staff:- After recognition, free and compulsory education in the school shall be provided in accordance with the Right of Children to Free and Compulsory Education Act, 2009.

(23)Payment of salary to employees:- The salary of employees of recognized primary schools shall be paid by the management from its own private sources.

(24)Qualification of teachers:- The educational qualification of teachers of primary schools shall be the same as prescribed in the Uttar Pradesh Basic Education (Teachers) Service Rules, 1981 (as amended). The educational qualification of teachers of upper primary schools shall be as per the Uttar Pradesh Recognized Basic Schools (Junior High Schools) (Recruitment and Service Conditions of Teachers) Rules, 1978 (as amended).

(25)Textbooks - In recognized primary and upper primary schools, the curriculum and textbooks prescribed by the Council shall be used.

(26)Without prior permission of the District Basic Education Officer, no class or any section shall be opened, nor shall it be closed, merged, or transferred. No school shall be permitted to operate any branch school.

(27)The school shall ensure compliance with the standards and norms prescribed in Section-19 and the Schedule of the Right of Children to Free and Compulsory Education Act, 2009.

(28)It shall be mandatory for the school management to maintain the class-wise and subject-wise learning level of the students studying in the school as per the standards prescribed by SCERT.

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(29)All Government schools providing Primary (Primary) / Upper Primary (Junior High School) education shall be self-financed, for which no kind of grant shall be approved by the State Government and no claim for grant shall be admissible for grant approval.

(30)The tuition fee and development fee charged by the school having obtained recognition shall be fixed in such a manner that, after meeting the salary, maintenance and other related expenses of the school staff, the surplus from the annual income of the school from tuition fee and development fee does not exceed 20 percent after payment of salaries. No increase in tuition fee shall be made for three years. Whenever an increase in fee is made, it shall not exceed 10 percent. The school may charge fees under the following heads:-

1- Tuition fee, 2- Development fee, 3- Development fee, 4- Electricity, water etc., 5- Sports fee, 6- Examination / evaluation, 7- School function / festival, 8- Education of special subjects - computer / music etc.

Note:- Charging of registration fee, building fee and capitation fee from students shall be prohibited.

The surplus from the annual income shall be used by the school management for the development of the school.

(31)It shall be mandatory for the Chairman of the School Management Committee and all other members to make available their photograph identity proof and Aadhaar Card, PAN Card or Voter ID to the department.

(32)It shall be mandatory for the concerned school / institution to fill information / data related to U- DISE+ as per the time-schedule prescribed by the department.

II- Conditions for schools already having recognition:-

(1) If the building of a previously running recognized school is in a dilapidated condition, as a result of which there is danger to the life and property of children, then it shall be the responsibility of the management of that school and the District Basic Education Officer to immediately transfer the students studying in that school to any other nearby school / schools so that there is no adverse effect on the studies of the children and there remains no possibility of any kind of accident. In this regard, the concerned institution shall be issued a notice determining the time limit of 06 months to get the school building repaired and if within the period given in the notice the dilapidated / unsafe school building is not made usable by the management, then action shall be taken as per rules in relation to withdrawal of recognition of the concerned institution.

(2) It shall be the responsibility of the school management that after every two years a certificate from competent technical experts and making it available to the concerned District Basic Education Officer that the concerned school / educational institution is structurally safe, adequate fire safety measures are in place, it is operational, and it is suitable for teaching-learning and not dilapidated.

Accordingly, if the certificate is not submitted within the prescribed time limit, action shall be taken as per rules in relation to withdrawal of recognition of the concerned school / educational institution.

(3) Schools / institutions which are being operated in rented buildings and which fulfill all other required standards / conditions shall continue to operate, provided that a valid agreement deed has been executed with the building owner, in which all terms / conditions related to tenancy are clearly mentioned.

III- Time schedule regarding application for recognition and grant of recognition:- For granting recognition to schools, the manager / authorized officer of the school shall submit the application for recognition in accordance with Annexure-1 in the office of the District Basic Education Officer of the concerned district within the period indicated in the following time schedule through online mode, and disposal of applications related to recognition shall also be done online only as per the dates indicated in the time schedule:-

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(1) Disposal of application forms for recognition shall be done online only as per the following time schedule:-

1	Date of receipt of application form	From 01 April to 31 December
2	For the Inspection forwarded by the BSA to Block Education Officer	Within 03 working days from the date of application
3	Inspection of the school and making the report available by the Block Education Officer	Within 10 working days from the date of allotment
4	Meeting of the Committee on every Friday of the week	
5	In case of any objection by the Committee, to inform the management	Within 03 working days of the Committee meeting
6	For disposal of the objection by the management	Within 07 days from the date of receipt of the objection
7	For taking final decision by the Committee on the application	Within 05 working days from receipt of reply to the objection
8	For informing the management regarding grant or non-grant of recognition	Within 02 working days from the date of decision of the Committee

(2) For consideration of granting recognition to the school, during the on-site inspection of the school by the inspecting officer, photographs of the school building shall also be taken and attached with his report.

Note:- The meetings of the Recognition Committee shall be convened every Friday. Schools fulfilling the prescribed standards during inspection shall be called in the meeting and recognition orders shall be issued by the Recognition Committee after due consideration. Accordingly, recognition orders shall be issued by the District Basic Education Officer. Schools not fulfilling the prescribed standards and conditions shall

be given an opportunity to remove deficiencies and, after taking a decision in the next convened meeting, recognition orders shall be issued by the District Basic Education Officer.

IV – Temporary / Provisional recognition:

In view of the provisions mentioned in the prescribed format, provisional recognition shall initially be granted for one year. After one year, the rules / conditions related to recognition shall be re-examined and, if the school is found to be running as per RTE, then after one year the school shall be granted permanent recognition.

V – Withdrawal of recognition of the school:-

(1) Where, on the basis of a written report received suo motu by the District Education Officer or received from any person, it is found necessary to believe that a school granted recognition under Rule 11 has violated one or more conditions of recognition or has failed to fulfill the norms and standards specified in the Schedule, then he shall take the following action:-

(a) While specifying the violation of the conditions of recognition, the District Education Officer shall issue a notice to the school and seek clarification within one month.

(b) If the clarification is not found satisfactory or no clarification is received within the prescribed time limit, then the District Education Officer shall constitute a School Inspection Committee consisting of any three members, including a Government representative and an educationist. The Committee shall thoroughly inspect the school and submit its recommendations regarding continuation or withdrawal of recognition, along with its inspection report, to the District Education Officer within a period of 20 days from the date of inspection. The said Committee shall be constituted by the District Magistrate and the District Magistrate shall have the authority to change the members of the Committee.

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(2) On the basis of the recommendations of the Committee, the District Education Officer, while seeking clarification from the concerned school, shall send a notice within 10 days and give 30 days' time to the school to submit clarification, and after examination of the clarification received or in case clarification is not received, shall forward his recommendation to the State Education Department within a period of one month on the basis of the records / documents available in the file:

But the District Magistrate shall have the authority to re-examine the recommendations of the Committee before they are forwarded to the State Education Department.

(3) On the basis of the recommendations related to sub-rule (2), the State Education Department shall take a decision within 30 days of receipt of the recommendations and shall inform the District Education Officer accordingly.

(4) On the basis of the decision of the State Education Department, the District Education Officer shall pass the final order for cancellation of the recognition granted to the school within 07 days from the date of receipt of the decision. The order of cancellation shall be effective from the immediately succeeding academic session and shall also specify such nearby schools in which the students of the schools whose recognition has been cancelled shall be admitted.

(5) The order passed under sub-rule (4) shall also be communicated to the concerned local authority and shall be made public through display on the website.

(6) In the above action required for withdrawal of recognition, compliance with Section-18(5) of the Right of Children to Free and Compulsory Education Act, 2009 shall be ensured.

VI – Operation of unrecognized primary and upper primary schools shall be illegal:- If the operation of primary or upper primary schools without recognition, then its operation shall be considered against the rules and illegal. While immediately prohibiting the operation of such schools, action shall also be ensured against the concerned management as per rules.

3- Kindly ensure disposal of recognition cases as per the above instructions.

Yours faithfully,

Number and Date as above.

(Yatindra Kumar)
Special Secretary

Copy forwarded to the following for information and necessary action:- 1- All Divisional Commissioners, U.P.

2- All District Magistrates, U.P.

3- Director General, School Education, U.P., Lucknow.

4- Director, State Council of Educational Research and Training, Lucknow.

5- Additional Director of Education Basic Education, U.P.,

Prayagraj. 6- Secretary, Board of Basic Education, U.P., Prayagraj.

7- All Divisional Assistant Directors of Education (Basic), U.P.

8- All Principal /Vice Principal, DIET, U.P.

9- All District Basic Education Officers, U.P.

10- Guard file.

By order,
(Shailesh Kumar
Tiwari)
Under Secretary
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