

Recommendation of the Commission in this matter CR-167/2015 is prepared and placed on file for concurrence.

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6/8/2015
A. N. Tripathi
Secretary
MSC PCR

Chairman (Incharge) 6/8/15

Issue order
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14.8.2015

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Before the Maharashtra State Commission for Protection of Child Rights.
Enquiry, under sections 13 (1) & 14 (1) of the Child Right Protection Act, 2005
and section 13 (1) (b) of the Right to Education Act, 2009.

C.R.No.161/2015

Introduction:-

This matter has been referred by the State Government requesting the Commission to initiate the proceeding, in the matter of one girl child named Miss Disha, who has been denied admission in the Podar School situated at District Jalna under the 25% quota fixed for children who fall under the category of "weaker section".

2. The Commission listed the matter on 30th July, 2015 called Principal of Podar School, Education Officer (Primary), Zilla Parishad, Jalna and mother of the complainant Neha Bharati. During the hearing, School was represented by Shri Mhase, who has submitted detailed report before the Commission, but mother of the complainant and Education Officer were not present. In the report, submitted by the School, it is shown that during the academic year 2014-15, admission under the 25% quota was followed by the School. The report pertaining to the proceeding of admission under the 25% quota for academic session 2014-15 reveals that under quota the school has received 19 applications of girls child and 34 for boys. After scrutiny, it is found that out of 19 girls, three are from open category and rest from reserved category. Hence, all sixteen belong from reserved category have been admitted under the quota

prescribed under the Right to Education Act. In the application of the complainant's child, neither caste certificate nor income certificate was submitted; hence, her case was treated as unreserved. The school's report reveals that after filling the reserved seat, rest of the seats have been filled up by the lottery system.

4. This matter is related with the pre-primary schooling and cover under section 11 of Right to Education Act, 2009. The State of Maharashtra has issued G.R. providing the 25% reservation in the admission of pre-primary section for the children who fall under the "weaker section". In this matter, although, it is mentioned by the complainant that her total income is below Rs. One Lakh, therefore, she deserved to be considered under the provision of the scheme. However, no corroborative evidence i. e. income certificate has been produced before the Commission. Therefore, merely on the submission no recommendation can be made without verifying the records, therefore, Education Officer, Zilla Parishad, Jalna, may be asked to investigate the matter and if found that this matter falls under the 25% quota then to ensure the admission of child.

5. In view of above, the Commission is making following recommendation:-
(i) Matter should be investigated by the Education Officer (Primary), Zilla Parishad, Jalna, and to ensure the admission of the child in the pre-

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primary section, in the school provided that this case falls under the category of weaker section.

By order and seal of the Commission



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14.8.2015
(A. N. Tripathi)
I.F.S.

Secretary
Maharashtra State Commission for Protection
of Child Rights.

Date:- 14 AUG 2015