

**ANNEXURE-1**

No. 30720-VISSME-M-17/96-SME.

GOVERNMENT OF ORISSA  
DEPARTMENT OF SCHOOL AND MASS EDUCATION  
**RESOLUTION***The 23rd September 1996*

State Government, with concern, have observed that there is rapid growth of Private Educational Institution imparting teaching in English and other Medium in the State which are affiliated to C.B.S.E. AND I.C.S.E. In O.J.C. 2951/1993 the Hon'ble High Court have also observed that Sub-Section (5) of Section 6 of Orissa Education Act provides that while according recognition to a Private Educational Institution, the Prescribed authority shall have regard to matters like provision for suitable and adequate accommodation, location of the Institution, its sanitary and healthy surroundings appointment of qualified teachers, provision for equipments and teaching materials and adequate financial support for the continuous and efficient maintenance of the institution. Besides, several allegations have been received of mal-administration and mismanagement of such institutions. It has thus become imperative to prescribe certain guidelines to be followed before according N. O. C./ Recognition to such institution and to withdraw such N. O. C./ Recognition in the event of violation of any of the instructions issued in this Resolution.

Any Organisation/Individual seeking No Objection Certificates from the State Government to open any unaided school to be affiliated to the ICSE/CBSE shall be required to fulfil the terms and conditions and satisfy the requirements prescribed hereunder.

**1. (A) Accommodation**

- (i) The Institution must have at least 1 acre of land in the urban areas having population of 5 lakhs and 2 acres in other areas. the land need to be recorded in the name of the institution and the copy of the record of the rights to be furnished by the applicant at the time of applying for No Objection Certificates. The Institution must have suitable building having regard to number of pupils attending the school.
- (ii) There shall be adequate equipment and furniture.
- (iii) There shall be a well equipped library for use of the staff and pupils.
- (iv) There shall be sufficient and commodious rooms to accommodate all Sections and classes.
- (v) The school shall have also a Laboratory with adequate equipment and apparatus for the teaching of Science subjects.

(B) **Last date of application** - Organisation/Individual seeking No Objection Certificates from the State Government should apply to the concerned Directors in the prescribed form latest by the 15th January of the year.

(C) All these applications received up to the 15th January shall be placed, by the Directors, Elementary Education and Secondary Education, before the High Power Committee to be appointed by the Government to consider each application in pursuance of the guidelines issued in this Resolution, Decision of the H.P.C. in the matter of issue of N.O.C./Recognition shall be final.

**2. Recruitment and Service conditions of the staff-**

- (i) Each school either affiliated or to be affiliated with the CBSE/ICSE shall frame Rules governing the recruitment and conditions of service of its employees in conformity with the Rules prescribed under the Orissa Education Act, 1969.
- (ii) Service contract will be entered with each employee and the management of the School.
- (iii) The appointing authority shall be competent to initiate any disciplinary action against any of the employees of the institution after following fair procedure. Appeal against such orders shall, however, lie with the Director, Elementary Education for the institution imparting Education up to Standard VII and with the Director, Secondary Education for the institution imparting Education from Standard VIII and above. Where the institution imparts education from Standard I to X or XII, the Director, Secondary Education shall be the Appellate authority. The Government will be competent to review the orders passed by the appointing authority/disciplinary authority and the appellate authorities. The qualifications of Head of the institution and other teaching staff shall be the same as prescribed by the CBSE/ICSE.

**3. Medium of instruction-**

Medium of instruction in these schools can be English or any other Indian Languages but Oriya as a subject shall be taught to all pupils in the institution compulsory.

**4. Fees -**

- (i) Fees and charges should be commensurate with the facilities provided by the institution. Fees should normally be charged under the heads prescribed by the Department of School and Mass Education. No capitation fee or voluntary donations for gaining admission in the school or for any other purpose should be charged/collected in the name of the school. In case of such malpractices the Government may take drastic action leading to withdrawal of No Objection Certificate of the school.

- (ii) In case, a student leaves the school for such compulsion as transfer of parents or for health reason or in case of death of the student before completion of the session, pro rata return of quarterly/term/annual fees should be made.
- (iii) The schools should consult parents through parents, representatives before revising the fees. The fee should not be revised during the mid-session.

#### 5. Admission of students -

Admission in the school affiliated to the CBSE/ICSE shall be made without any distinction of religion, race, caste, creed, place of birth or any of them. As regards reservations for SC/ST students is concerned, it shall be governed by the law, Rules or instructions applicable to the State.

#### 6. Miscellaneous -

- (i) The school seeking Board's affiliation/already affiliated to shall be open to inspection by the Inspection Committee deputed by the Department of School and Mass Education.
- (ii) The School shall supply information and returns called for by the Government within the prescribed time given for its furnishing to the authority concerned.
- (iii) The school shall maintain records of attendance of all students in Secondary/Senior Secondary classes for purposes of admission to the Board's examinations. The entries in these registers properly checked at the end of each session and signed. The attendance registers shall be open to inspection by the officers deputed by this department.
- (iv) The school shall arrange the medical check up of the students at least once a year and keep a proper record of the same.
- (v) The Government may conduct an audit of the funds of the school as and when it thinks necessary to ensure that -
  - (a) The funds/fee collected by the school authorities are not diverted;
  - (b) The staff is paid salaries at par with the salaries of the State Government; and
  - (c) Any other financial irregularity.

#### 7. Withdrawal of No Objection Certificates -

(A) The H.P.C. shall be competent to review the N.O.C./Recognition issued in favour of any institution and shall be competent to withdraw the same if it is satisfied that the terms and conditions as stated above for the purpose are violated.

(B) Proceedings for withdrawal of recognition/N.O.C. shall be initiated at the level of Government in case the schools are found guilty of any of the followings after reasonable notices and refer the same to the

H.P.C. for consideration :-

- (i) Not paying salaries and allowances to teachers and; other employees, at least at par with the employees of State Government.
- (ii) Financial irregularities including channeling of funds for purpose other than those provided for in the bye-laws of ICSE/CBSE.
- (iii) Engagement in activities prejudicial to the interest of the State, including or promoting feelings of disloyalty or disaffection against the Government established by law.
- (iv) Encouraging or tolerating disharmony/hatred between different Sections of the Society;
- (v) Non-fulfilment of conditions laid down regarding deficiencies to be removed, even after due notice.
- (vi) Disregard of rules and conditions of affiliation even after receiving warning letters.
- (vii) Hindrance in the smooth functioning of the school on account of dispute between rivalries within the school management.
- (viii) Absence of approved terms and conditions of service, or frequent dismissal of teachers from service.
- (ix) Poor academic performance of the school for three consecutive years is not being able to keep at least 50 per cent of passes of the general pass percentage.
- (x) Non-availability of proper equipment/space/staff for teaching a particular subject.
- (xi) Any other misconduct in connection with the admissions/ examinations/ any other area which in the opinion of the Government warrants immediate derecognition of the school.

(C) Adequate time and opportunity shall be provided to the Management of the school served with a "Show Cause Notice", up to a maximum of six months for adequate compliance/removal of defects failing which the H.P.C. may withdraw the No Objection Certificate issued in its favour and also derecognise the school. In such an event the CBSE or the ICSE, as the case may be, shall be recommended by the Government to withdraw the affiliation of the concerned school.

#### 8. Appeal -

Any individual/organisation not satisfied with the decision of H.P.C. may prefer an appeal before the Minister, School and Mass Education.

9. The N.O.C. issued in favour of any school shall always be subject to the terms and conditions prescribed in this Resolution.

10. All Schools who have been issued N.O.C. shall fulfil the terms and conditions provided herein before and satisfy the requirements

prescribed in this Resolution within period of six months from the date of issue of this Resolution failing which proceedings for withdrawal of N.O.C./Recognition shall be initiated by the Government.

○ ○ ○

No. 28960-II-SMEA-(Sch.)-42/95-(P.II)-S. & M.E.  
GOVERNMENT OF ORISSA  
DEPARTMENT OF SCHOOL AND MASS EDUCATION  
RESOLUTION

*The 10th September 1996*

SUBJECT - Principle for continuation of grant-in-aid in favour of untrained/underqualified teachers, continuing in non-Government Primary Schools.

The matter relating to sanction of grant-in-aid for payment of salary to the untrained/under qualified teaches continuing in sanctioned pots in different non-Government Primary Schools in the State was under active consideration of Government for some time past. After careful consideration Government have been pleased to decide as follows :

1. The untrained and underqualified teachers appointed in the non-Government Primary Schools prior to the 10th August 1979 will continue to get pay as admissible to them.
2. The untrained/underqualified teachers appointed in non-Government Primary Schools in the State after the 10th August 1979 in approved posts, will not be eligible to avail grant-in-aid until they acquire the prescribed training qualification.
3. This is applicable to all categories of non-Government Primary Schools (including aided Mission managed/Minority managed Private managed Primary Schools) in the State.
4. The issue with concurrence of Finance Department vide their U.O.R. No. 577-S.S. I., dated the 6th July 1996.

○ ○ ○



EXTRAORDINARY  
PUBLISHED BY AUTHORITY.

No. 1328 CUTTACK FRIDAY, OCTOBER 16, 1998, ASWINA 24, 1920

[No. 29519—SME.-VII-SME.-M-12/98 (Pt.)]

GOVERNMENT OF ORISSA  
DEPARTMENT OF SCHOOL & MASS EDUCATION

RESOLUTION

The 26th September 1998

Whereas the State Government in Resolution No. 30720-VII-SME.-M-17/96-SME., dated the 23rd September 1996 have specified, among other terms and conditions the minimum requirement of recording 2 Acres of land in the name of the Institution in areas having population of less than 5 lakhs for issue of No Objection Certificate in order to enable the promoters to submit their application for recognition to the I. C. S. E./C. B. S. E. ;

And whereas, the Government are of the opinion that due to high rate of the value of the land in the areas having population of less than 5 lakhs it has not been possible for the promoters of the institution to purchase 2 Acres of land in the name of the institution and also there is scarcity of land in the said areas ;

Now, therefore, the State Government do hereby modify para-1 (A) (i) of the said Resolution as follows :

"The Institution must have at least 1 (One) acre of land in the Urban areas having population of 5 (Five) lakhs and 1.5 (One and half) acres of land in other areas. The land in question acquired for the Institution shall be a compact patch of land. The land need to be recorded in the name of the Institution and the copy of the Record of the Rights to be furnished by the applicant at the time of applying for No Objection Certificates. The Institution must have suitable building having regard to number of pupils attending the School".

This will come into force on the date of its publication in the *Orissa Gazette*

ORDER—Ordered that the Resolution be published in the extraordinary issue of the *Orissa Gazette*.

By order of the Governor

J. PATRA

Commissioner-cum-Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-13  
Ex. Gaz. 911—188+500—Comp. 15-10-1998, Printed on 26-10-1998