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IN THE HIGH COURT OF JHARKHAND AT RANCHI

(CIVIL WRIT JURISDICTION)

I.A. NO. _____ OF 2021

in

W.P.(C) NO. 5455 of 2019

Jharkhand Private School Association, Ranchi Petitioner

Versus

The State of Jharkhand and Ors Respondents

Sub: Interlocutory Application for direction upon Respondents

I N D E X

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IN THE HIGH COURT OF JHARKHAND AT RANCHI

(CIVIL WRIT JURISDICTION)

I.A. NO. _____ OF 2021

IN

W.P.(C) NO. 5455 of ~~2029~~ 2019

IN THE MATTER OF;

An Interlocutory application
for directing the Respondents
to allow the students
studying in Private Schools
affiliated with Petitioner
Association to appear in
Standard VIII Board
Examination, 2022 without
insisting for Recognition

Certificate granted in favour
of the said Schools in terms
of "The Jharkhand Right of
Children to Free and
Compulsory Education (First
Amendment) Rules, 2019 ;
A N D

IN THE MATTER OF

Jharkhand Private Schools Association, Ranchi Petitioner

Versus

The State of Jharkhand and ors. Respondents

To,

The Hon'ble Mr. Justice Dr. Ravi Ranjan, the
Chief Justice of the High Court of Jharkhand at
Ranchi and His Other Companion Judges of the
said Hon'ble Court.

The humble petition on
behalf of Petitioner, above
named:-

Most Respectfully Sheweth:-

1. That the Petitioner, in the instant interlocutory application, prays for issuance of appropriate direction upon the Respondents to allow the students studying in Private Schools affiliated with Petitioner Association to appear in Standard VIII Board Examination, 2022 without insisting for Recognition Certificate granted in favour of the said Schools, in terms of "The Jharkhand Right of Children to Free and Compulsory Education (First Amendment) Rules, 2019".
2. That it is stated that the Petitioner has not filed any interlocutory application earlier for the reliefs as prayed for hereinabove and this application is being filed for the first time.

However, it is stated that Petitioner is separately filing an interlocutory application for initiation of contempt proceedings against the Respondents, which are stated hereinafter in subsequent paragraphs.

3. That it is stated that the Petitioner has filed the instant writ application primarily praying therein for the following reliefs:

- (i) For issuance of an appropriate writ/order/direction including Writ of Declaration, declaring Rules 12(1)(g), 12(7) and part of Rule 12(8) inserted vide The Jharkhand Right of Children to Free and Compulsory Education (First Amendment) Rules 2019 (hereinafter referred to as 'Amendment Rules' for short), as contained in Notification bearing Memo No. 629 dated 25.04.2019 (Annexure-5), as being wholly ultra vires the provisions of Article 14, 19(1)(g) and Article 21A of the Constitution of India as well as Sections 18, 19 and 20 of the Right of Children to

Free and Compulsory Education Act, 2009 (hereinafter referred to as 'Act of 2009' for short);

- (ii) For issuance of further appropriate writ/order/direction including Writ of declaration, declaring that the amendment carried out under Rule 12(1)(g), 12(7) and part of Rule 12(8) by the State of Jharkhand vide Amendment Rules as contained in Notification bearing Memo No. 629 dated 25.04.2019 (Annexure-5), is wholly without jurisdiction and exceeding the powers conferred upon the State of Jharkhand to frame rules in terms of Section 38(h) of the Right of Children to Free and Compulsory Education Act, 2009.

- 4. That the Petitioner, in the instant writ application, has stated all relevant and/or necessary facts and the same are not being reiterated herein for the sake of brevity and craves leave of this Hon'ble Court to rely upon the same at the time of hearing of the present interlocutory application.

5. That it is stated that the instant Writ application was initially heard by this Hon'ble Court on 21.10.2019, and, this Hon'ble Court was pleased to pass interim order in favour of the Petitioner regarding taking no coercive steps against the members of the Petitioner-Association. Further, interim order passed by this Hon'ble Court has been extended from time to time and, vide order dated 05.03.2021, this Hon'ble Court passed detailed order directing Respondent-State of Jharkhand to file specific reply in respect of the issues enumerated in the aforesaid order dated 05.03.2021.

Web copy of the interim order passed by this Hon'ble Court dated 21.10.2019 as well as web copy of the order dated 05.03.2021 are annexed herewith and marked as Annexure- IA-1 and 1/1 respectively to this interlocutory application.

6. 7. That it is stated that, thereafter, matter has been listed on several occasions before this Hon'ble Court, but Respondent-State of Jharkhand has not yet filed any Affidavit in terms of the order passed by this Hon'ble Court, and, on repeated occasions has prayed for adjournment for complying the order passed by this Hon'ble Court.

7. 8. That it is stated that, on one hand, Respondent-authorities have not complied with the order passed by this Hon'ble Court and, on the other hand, they are acting in contumacious disregard to the order passed by this Hon'ble Court, which would be evident from the facts stated hereinafter.

8. 9. That it is stated that the Jharkhand Academic Council conducts VIIIth Standard Board Examination periodically, and the VIIIth Standard Board Examination 2022 is scheduled to be held from 15th January, 2022 to 31st January, 2022.

9. 10. That it is stated that the members of the Petitioner-Association being Private Schools, as already stated in the

writ application, have been granted time to time recognition by Respondent-State of Jharkhand and were also issued recognition Code, which is known as Unified District Information System for Education, and, their students were regularly appearing in VIIIth Board Examination conducted by Jharkhand Academic Council.

- 1 ▷ 41. That, however, by virtue of the “Jharkhand Right of Children to Free and Compulsory Education (First Amendment) Rules, 2019 (for short ‘RTE Rules of 2019’), wholly illegal and arbitrary conditions were imposed by the Respondent-State of Jharkhand, which has compelled the Petitioner-Association to file the instant writ application before this Hon’ble Court challenging various amendments carried out under the Rules of 2019, which, in substance, has an effect that most of the members of the Petitioner-Association, being Private Schools, would not be even able to apply for grant/extension of their recognition in terms of the provisions of “The Right of Children to Free and Compulsory Education Act, 2009”.

11. 12. That it is stated that this Hon'ble Court, after taking into consideration the contention of the Petitioner, as already stated above, was pleased to pass interim order in favour of the members of the Petitioner-Association and the said interim order has been extended from time to time and is still operating.

12. 13. That, however, it is stated that, recently, Respondent-authorities of the State of Jharkhand, in utter disregard to the interim order passed by this Hon'ble Court, have issued letters primarily stating, inter alia, that the students of such Private Schools which have not been granted recognition under the Rules of 2019, would not be allowed to appear in VIIIth Board Examination scheduled to be held in the month of January, 2022. One such copy of the letter issued by District Education Officer, Dhanbad dated 08.11.2021 is annexed herewith.

Photostat copy of Letter No.

2168 dated 08.11.2021

issued by District Education Officer, Dhanbad is annexed herewith and marked as **Annexure- IA-2** to this application.

- 13 44. That it is stated that similar letters have been issued by other authorities of the State of Jharkhand, including Letter No. 749 dated 22.11.2021 by Block Education Extension Officer, Pakur.

Photostat copy of Letter No. 749 dated 22.11.2021 issued by Block Education Extension Officer, Pakur is annexed herewith and marked as **Annexure- IA-3** to this application.

- 14 15. That it is stated that Petitioner-Association, pursuant to receipt of the aforesaid letters, filed representations before

the competent authorities, including the representations dated 23.11.2021 and 24.11.2021, bringing it to the notice of the Respondent-authorities that Petitioner has already filed writ application before this Hon'ble Court and even interim orders have been passed in the writ application filed by the Petitioner, and, hence, the members of the Petitioner-Association, including their students, cannot be debarred from appearing in VIIIth Standard Board Examination scheduled to be conducted by Jharkhand Academic council merely because they have not applied and/or have been granted recognition in terms of the RTE Rules of 2019.

Photostat copies of the representations dated 23.11.2021 and 24.11.2021 filed by the Petitioner-Association is annexed herewith and marked as **Annexure IA-4 and 4/1**

respectively to this
application.

15. 16. That it is stated that despite the representations filed by the Petitioner and despite the fact that Petitioner has already brought to the notice of the Respondent-authorities the interim order passed by this Hon'ble Court regarding no coercive measures to be taken against the members of the Petitioner-Association, the authorities of Education Department are not processing the applications of the members of the Petitioner-Association i.e. Private Schools in order to enable their students to appear in VIIIth Standard Board Examination 2022 scheduled to be held from 15th January, 2022.

16. 17. That it is most humbly stated and submitted that due to the action of the Respondent-authorities, members of the Petitioner-Association, including their students, would immensely suffer and they would be adversely prejudiced

and even one academic years of the students in the schools of the members of the Petitioner-Association would be affected.

17 48. That it is most humbly stated and submitted that action on the part of the Respondent-authorities in insisting upon furnishing of Recognition Certificate granted in favour of the Private Schools under the RTE Rules 2019 is directly contumacious disregard to the orders passed by this Hon'ble Court.

18 49. That, in fact, Respondents have committed clear contempt of the orders passed by this Hon'ble Court and they are even liable to be proceeded for contempt. The Petitioner has been advised to file a separate Interlocutory application for initiation of suo moto contempt proceeding against the Respondents for deliberate and willful violation of the order passed by this Hon'ble Court and the Petitioner is taking steps in this regard.

19 20. That in view of the aforesaid cumulative facts and circumstances, the Petitioner has been compelled to file the

present interlocutory application for directing the Respondents to allow the students studying in Private Schools of members of the Petitioner Association to appear in Standard VIII Board Examination, 2022 without insisting for Recognition Certificate granted in favour of the said Schools in terms of The RTE Rules of 2019.

20 21. That this application is filed bona fide and in the interest of justice.

21 22. That it is most humbly stated and submitted that the Petitioner has, prima facie, a good case and there is every chance of its success in the writ petition, as balance of convenience lies in favour of the Petitioner.

It is, therefore, prayed that Your Lordships may be pleased to issue appropriate direction upon the Respondents to allow the students studying in Private Schools affiliated with Petitioner

Association to appear in Standard VIII Board Examination, 2022 without insisting for Recognition Certificate granted in favour of the said Schools, in terms of "The Jharkhand Right of Children to Free and Compulsory Education (First Amendment) Rules, 2019.

A N D/OR

Be pleased to pass such other order(s) as Your Lordships may deem fit and proper in the facts and circumstances of the case;

A N D

For this act of grace, the Petitioner, as in duty bound, shall ever pray.

AFFIDAVIT.

I, **Ramranjan Kumar Singh**, aged about 63 years, son of Late Bashistha Narayan Singh, resident of Thanapara, Pakur, P.O. and P.S. Pakur, District Pakur, PIN 816107, do hereby solemnly affirm and state as follows:-

1. That I am General Secretary of the Petitioner-Association and, as such, I am well acquainted with the facts and circumstances of the case.
2. That I have been duly authorized and otherwise competent to swear this Affidavit on behalf of the Petitioner-Association.
3. That I have gone through the contents of the present interlocutory application and have fully understood the same.
4. That the statements made in paragraphs 1-4, 6-12, 16-22, 25 to 28 are true to my knowledge and those made in paragraph no. 5, 13-15, 5, 12, 13, 14 are true to my information derived from the sources disclosed therein and rest are by way of humble submission before this Hon'ble Court.
5. That Annexures hereto are web/photostat/true copies of their respective originals.

Verified, signed and sworn this affidavit on this 7th day of Decembet, 2021 in the High Court premises at Ranchi.

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 5455 of 2019

Jharkhand Private School
Association, Ranchi

..... Petitioner

Versus

The State of Jharkhand & Ors.

..... Respondents

**CORAM : HON'BLE THE ACTING CHIEF JUSTICE
: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner

: Mr. Sumeet Gadodia, Advocate

For the Respondents

: Mr. Rupesh Singh, G.P. - V

02/ 21.10.2019 At the request of the learned counsel for the State, put up this
matter after four weeks for filing counter affidavit in the matter.

In the meantime, no coercive steps shall be taken as against the
members of the petitioner Association.

(H. C. Mishra, A.C. J.)

(Deepak Roshan, J.)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 5455 of 2019

Jharkhand Private School Association, Ranchi Petitioner
 Versus

The State of Jharkhand & Ors. Respondents
 with

W.P. (C) No. 4972 of 2019

Jharkhand Gair Sarkari Vidyalay Sangh,
 East-Singhbhum Petitioner
 Versus

The State of Jharkhand & Ors. Respondents
 with

W.P. (C) No. 5559 of 2019

Jharkhand Private School Trust,
 Hazaribagh Petitioner
 Versus

The State of Jharkhand & Ors. Respondents
 with

W.P. (C) No. 5966 of 2019

Akhilesh Kumar Giri & Anr. Petitioners
 Versus

State of Jharkhand & Ors. Respondents
 with

W.P. (C) No. 6097 of 2019

Ram Prakash Tiwari Petitioner
 Versus

The State of Jharkhand & Ors. Respondents
 with

W.P. (C) No. 6652 of 2019

Private Schools and Children Welfare Association Petitioner
 Versus

State of Jharkhand & Ors. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners : Mr. Sumeet Gadodia, Advocate
 Mr. Rupendra Prasad, Advocate
 Mr. Rajiv N. Prasad, Advocate
 Mr. Bhanu Kumar, Advocate
 Mr. Rajesh Kumar, Advocate
 Mr. Onkar Nath Tiwary, Advocate
 For the State : Mr. Sachin Kumar, AAG-II
 Mr. Prakash Chandra Roy, SC(L&C)-I
 Mr. Devesh Krishna, SC(Mines)-III
 Mr. Rohit, A.C. to A.A.G.-I
 A.C. to G.P.-V

Oral Order09 / Dated : 05.03.2021

1. Heard the parties.
2. Several issues have cropped up in these matters. First is regarding the competence of the State Government to come up with such type of amendment. Second is whether this amendment is *ultra vires* or contrary to the Schedule and thus, Section 19 of the Right of Children to Free and Compulsory Education Act, 2009 and thereafter, whether these rules can be held to be arbitrary and unreasonable in view of the fact that if the amendments are allowed to remain there, it would be almost impossible to run the schools due to paucity of space for that purpose especially in the town areas. In above view of the matter, since in our opinion, before coming with the said amendment, which is under challenge, the authorities of the State Government before tabling the amendment before the Legislature must have done certain research works, because such amendments are not tabled in a casual manner. A lot of discussion and research is done before doing that. For the purpose of deciding the *lis*, we are of the view that the State Government should come up with the counter affidavit making statements and bringing on record informations as to what is the extent of tribal and non-tribal lands available in the State of Jharkhand and in non-tribal land what is the figure which is available for such type of activity barring the forest area and other prohibited areas?
3. The third issue is whether the Government schools are also following the said norms and satisfying the amended provisions? If yes, then the details should be given especially when the writ petitioner of W.P. (C) No. 5455 of 2019 has brought on record the information given

under the Right to Information Act, 2005 that more than 50% of the Government Schools of the State of Jharkhand are not having play grounds. In such a situation, if the Government schools itself are not fulfilling the criteria but they are allowed to run and whether it would be reasonable and not arbitrary to expect everything from the private institutions or minority institutions whatever the case may be? The Government Schools, which are not fulfilling the criteria, the action plan of the Government for following the mandate of amended provisions (impugned) should also come in the counter affidavit.

4. This would be apart from the reply to the issues raised by the writ petitioner in all the writ petitions.

5. Let detailed counter affidavit be filed on behalf of the Principal Secretary Department of School Education and Literacy, Government of Jharkhand, Ranchi.

6. Put up these matters on 10.03.2021.

7. Interim relief granted vide order dated 21.10.2019 in W.P. (C) No. 5455 of 2019 shall be effective in all these matters till further orders.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

कार्यालय जिला शिक्षा पदाधिकारी, धनबाद

सू-सल, कम्पाइण्ड बिल्डिंग, धनबाद

वर्ष: 2021

फोन नं: dhanbad.rmsa@gmail.com

पत्रांक...2168

प्रेषक :

जिला शिक्षा पदाधिकारी,
धनबाद।

सेवा में,

सभी प्रखण्ड शिक्षा प्रसार पदाधिकारी,
जिला- धनबाद।

धनबाद, दिनांक 21/11/2021

विषय:- प्रखण्डाधीन विद्यालयों के वर्ग 08 में अध्ययनरत छात्र/छात्राओं का
विवरण उपलब्ध कराने के संबंध में।प्रसंग : द्वारखण्ड अधिविद्य परिषद्, राँची के पत्रांक: 620/21, दिनांक:
01/11/2021।

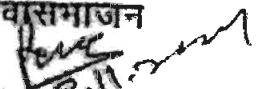
महाराज,

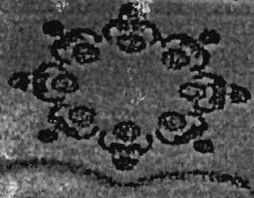
उपर्युक्त विषयक प्रसंगाधीन पत्र के आलोक में कहना है कि कक्षा 08वीं बोर्ड की परीक्षा, 2022 का आयोजन दो सावधिक परीक्षाओं के माध्यम से होना है। प्राप्त निर्देश के आलोक में प्रथम सावधिक परीक्षा 15 जनवरी से 31 जनवरी, 2022 तक की अवधि में आयोजित की जानी है। इस हेतु छात्र/छात्राओं के पंजीयन की कार्रवाई परिषद् के वेबसाइट के माध्यम से ऑनलाइन की जानी है। पंजीयन के पूर्व परीक्षा में सम्मिलित होने वाले विद्यालयों की सूची परिषद् के पास उपलब्ध कराना आवश्यक है, ताकि ऑनलाइन पंजीयन कार्य हेतु संबंधित विद्यालयों को परिषद् द्वारा User ID एवं Password निर्गत किया जा सके।

आपके कार्य में सुलभता हेतु गतवर्ष परीक्षा में सम्मिलित विद्यालयों की सूची ई-मेल के माध्यम से आपको उपलब्ध करायी गई है। उक्त सूची को अद्यतन करते हुये केन्द्र सम्बद्धन के साथ परिषद् को समर्पित किया जाना है। वैसे निजी विद्यालय, जो RTE अर्थात् निःशुल्क एवं अनिवार्य बाल शिक्षा अधिकार अधिनियम, 2019 के तहत मान्यता प्राप्त/प्रक्रियाधीन है, को ही इस परीक्षा में सम्मिलित होना है। शेष वैसे विद्यालय, जिन्हें RTE अर्थात् निःशुल्क एवं अनिवार्य बाल शिक्षा अधिकार अधिनियम, 2019 के मान्यता हेतु आवेदन समर्पित नहीं किया है, को इस लिस्ट में से उसका नाम हटा देंगे और यदि वे आवेदित हैं और उनका नाम उपलब्ध कराये गये सूची में नहीं हैं, को केन्द्र निर्धारण करते हुये, सूची में जोड़कर भेजेंगे।

अतः कक्षा- 08 की परीक्षा हेतु संबंधित विद्यालयों की अद्यतन सूची, केन्द्र सम्बद्धन के साथ दिनांक: 15/11/2021 तक आवश्यक रूप से अधोहस्ताक्षरी कार्यालय को हार्ड एवं सॉफ्ट कॉपी में उपलब्ध कराना सुनिश्चित करेंगे।

विश्वासभाजन





प्रखण्ड संसाधन केन्द्र, पाकुड़

प्रखण्ड परिसर, पाकुड़

ई-मेल आई डी - prakhanda@nic.in

पत्रांक 749

दिनांक 22/11/20

प्रेमक,

प्रखण्ड शिक्षा प्रसार पदाधिकारी
-साह-

प्रखण्ड समन्वयक,
प्रखण्ड संसाधन केन्द्र, पाकुड़।

सेवा में

- प्रधानाध्यापक/प्रभारी प्रधानाध्यापक
1. आरकम पब्लिक स्कूल बल्लभपुर
 2. सरस्वती शिशु मंदिर, पाकुड़
 3. ओपन-सोर्ट स्मार्ट स्कूल
 4. डिजीटल एंडू जेड पब्लिक स्कूल
 5. नवीन यूग विद्यालय
 6. बेयस्टा मिशन स्कूल
 7. ग्लोबल विल्डेन एकेडेमी झिकरहाटी

विषय - मान्यता से संबंधित कागजात जमा करने के संबंध में।

महोदय,

उपरोक्त विषयक अंकित करना है कि जिला शिक्षा पदाधिकारी, पाकुड़ के द्वारा दिनांक 22.11.2021 के आठवीं गैरल परीक्षा हेतु आयोजित बैठक में आपके विद्यालयों का मान्यता प्राप्ति से संबंधित कागजात की मांग की गई है।

अतः दिनांक 23.11.2021 को पूर्वाह्न 11:00 बजे तक संबंधित कागजात मध्यम विद्यालय संचालन से संबंधित पत्र अधोहस्ताक्षरी को उपलब्ध कराना सुनिश्चित करेंगे, ताकि र समय उच्चाधिकारी को प्रतिवेदित किया जा सके।

विश्वासभाजन,

प्रखण्ड शिक्षा प्रसार पदाधिकारी,

-साह-

प्रखण्ड समन्वयक,

प्रखण्ड संसाधन केन्द्र, पाकुड़

पत्रांक :- 749, पाकुड़/दिनांक 22/11/2021

प्रतिलिपि :- जिला शिक्षा पदाधिकारी, पाकुड़ की सेवा में सादर सूचनाएं समर्पित।

प्रखण्ड शिक्षा प्रसार पदाधिकारी



झारखंड प्राइवेट स्कूल एसोसिएशन, राँची

निबंधन संख्या - 988/2012-13

रामरजन कुमार सिंह
महासचिव

7250750800

निबंधित क्षेत्रीय कार्यालय :- थानापाड़ा पाकुड़
E-mail - rks181920@gmail.com

निबंधित कार्यालय:-

संजय गाँधी मेमोरियल कॉलेज गेट पंडरा
पत्रालय- कमड़े, थाना:- पंडरा आ.पी.
राँची (झारखंड) 835222

पत्राक :- JPSA/BEEOD80/2021-22

दिनांक -23-11.2021

सेवा में,

प्रखण्ड शिक्षा प्रसार पदाधिकारी सह प्रखण्ड समन्वयक,
प्रखण्ड कार्यालय, पाकुड़।

विषय-मान्यता से संबंधित आपके ज्ञापांक 749 दिनांक 22.11.2021 के आलोक में।

महाशय,

उपर्युक्त ज्ञापांक के संदर्भ में विनम्र अनुरोध के साथ कहना है कि झारखण्ड निःशुल्क और अनिवार्य बाल शिक्षा अधिकार नियमावली 2011 के तहत जिले के प्रायः विद्यालयों के द्वारा मान्यता हेतु प्रपत्र-1 भरकर आवश्यक संबंधित कागजात के साथ जिला शिक्षा अधीक्षक, पाकुड़ के कार्यालय में वर्ष 2013-2014-2015 तक समर्पित किया जा चुका है।

झारखण्ड निःशुल्क और अनिवार्य बाल शिक्षा अधिकार नियमावली 2011 के नियम-22 (5) के अधीन प्राप्त शक्तियों का प्रयोग करते हुए संशोधित नियमावली 629 दिनांक- 25.04.2019 के आलोक में झारखण्ड उच्च न्यायालय, राँची के द्वारा तत्काल रोक लगाया गया है। झारखण्ड उच्च न्यायालय राँची में झारखण्ड प्राइवेट स्कूल एसोसिएशन राँची के द्वारा रिट याचिका संख्या WPC-54-55/2019 के तहत बहस लगातार गति पर है। एसोसिएशन झारखण्ड उच्च न्यायालय राँची के अंतरिम आदेश की प्रतीक्षा कर रही है।

अतः श्रीमान से नम्र निवेदन है, जिले के कक्षा अष्टम के विद्यार्थियों के परीक्षार्थियों को परीक्षा के लिए निबंधन एवं परीक्षा में बैठने की अनुमति प्रदान करने की कृपा की जाए। इस हेतु एसोसिएशन श्रीमान का आभारी रहेगा।

प्रतिलिपि प्रेषित:- श्रीमान जिला शिक्षा पदाधिकारी पाकुड़ को आवश्यक कार्यार्थ एवं सूचनार्थ प्रेषित।

संलग्नक:-

- 1- रिट याचिका उच्च न्यायालय, राँची।
WPC-54-55/2019 Dated 21-10-2019.
- 2- SR. Lawyer Letter Dated 23-10-2019

आपका विश्वासी

(रामरजन कुमार सिंह)
झारखण्ड प्राइवेट स्कूल
एसोसिएशन, राँची

माफ

11/11/2021



झारखंड प्राइवेट स्कूल एसोसिएशन, राँची

निबंधन संख्या - 988/2012-13

रामरंजन कुमार सिंह

महासचिव

7250750800

निबंधित क्षेत्रीय कार्यालय :- थानापाड़ा पाकुड़

E-mail - rks181920@gmail.com

निबंधित कार्यालय:-

संजय गाँधी मेमोरियल कॉलेज गेट, पंडरा

पत्रालय- कमड़े, थाना:- पंडारा ओ.पी.

राँची (झारखंड) 835222

पत्राक :- JPSA/JGOV/081/2021-22

दिनांक - 24-11-2021

सेवा में,

- ✓ श्री हेमंत सोरेन, मुख्यमंत्री, झारखण्ड सरकार, राँची।
- ✓ श्री जगन्नाथ महतो, शिक्षा मंत्री, झारखण्ड सरकार, राँची।
- ✓ श्री राजेश कुमार शर्मा, सचिव, स्कूली शिक्षा एवं साक्षरता विभाग, राँची।
- ✓ सचिव, झारखण्ड अधिविद्य परिषद, राँची।
- ✓ जिला शिक्षा पदाधिकारी, प्रदेश के समस्त जिला को। धनबाद, पलामू, पाकुड़, आदि

विषय-झारखण्ड निःशुल्क और अनिवार्य बाल शिक्षा अधिकार 2011 के संशोधित नियमावली 2019 के तहत मान्यता लेने से संबंधित आवश्यक कागजात जमा करने, कक्षा आठवीं बोर्ड के लिए निबंधन एवं परीक्षा में शामिल नहीं करने के लिए जिला शिक्षा पदाधिकारी के द्वारा दबाव बनाए जाने के संदर्भ में।

महाशय,

उपर्युक्त विषयक के संदर्भ में विनम्रता के साथ कहना है कि झारखण्ड निःशुल्क और अनिवार्य बाल शिक्षा अधिकार (प्रथम संशोधन) नियमावली 2019 की अधिसूचना संख्या 629 दिनांक 25.04.2019 को रद्द करने के लिए माननीय झारखण्ड उच्च न्यायालय राँची में रिट याचिका WP(C) 5455/2019 दाखिल किया गया था। माननीय उच्च न्यायालय ने दिनांक 21.10.2019 को सुनवाई करते हुए याचिकाकर्ता झारखण्ड प्राइवेट स्कूल एसोसिएशन, राँची के सदस्यों पर कोई भी पीड़क कारवाई करने पर रोक लगाते हुए सुनवाई हेतु सूचीबद्ध किया, जो लगातार सुनवाई होते रहने के बाद भी वर्तमान में लंबित है (साक्ष्य संलग्न है)।

जिसकी सूचना प्रदेश के सभी जिला के जिला शिक्षा पदाधिकारी को दी गई थी। इसके बावजूद प्रदेश के सभी जिला के जिला शिक्षा पदाधिकारी द्वारा झारखण्ड निःशुल्क बाल शिक्षा अधिकार 2011 के संशोधित नियमावली 2019 तहत मान्यता लेने से संबंधित आवश्यक कागजात जमा करने, कक्षा आठवीं बोर्ड के लिए निबंधन एवं परीक्षा में शामिल नहीं करने के लिए दबाव के साथ पीड़क कारवाई की जा रही है। जो कि उच्च न्यायालय राँची के आदेश की अवमानना से संदर्भित है। जबतक माननीय उच्च न्यायालय से अंतरिम आदेश प्राप्त नहीं होती है, तब तक एसोसिएशन के विद्यालयों के लाखों गरीब बच्चे-बच्चियों को आठवीं बोर्ड परीक्षा 2022 में शामिल करने के लिए दिशा-निर्देश देने का कष्ट करें।

यदि आठवीं बोर्ड परीक्षा 2022 में एसोसिएशन के सदस्य विद्यालयों के बच्चों को शामिल नहीं किया जाता है, तो अन्तोगत्वा एसोसिएशन माननीय उच्च न्यायालय के आदेश की अवमानना करने हेतु याचिका दायर करने के लिए बाध्य होगी।

अतः विनम्र अनुरोध है लाखों बच्चे-बच्चियों के शैक्षणिक भविष्य को ध्यान में रखते हुए तत्काल राहत देने की कृपा करें।

संलग्नक:-

- 1- रिट याचिका उच्च न्यायालय, राँची।
WPC-5455/2019 Dated-21/10/2019.
- 2- SR. Lawyer Letter Dated-23/10/2019.
- 3- WPC-5455/19 Dated-05/03/2021.
- 4- BEE0, Pakur, झापांक-749
Dated-21/11/2021. DEO Dhanbad
पत्रांक-2168, तिथि-
08/11/2021, DEO Palamu
पत्रांक-1486, तिथि-14/11/2021,
DEO Giridih, पत्रांक-2418,
तिथि-09/11/2021, DEO Pakur,
पत्रांक-1411, तिथि-14/11/2021
- 5- JPSA/BEE0/080/2021-22
Dated-23/11/2021
- 6- WPC-5455/2019 Case Status till
Date-24/11/2021 की छायाप्रति।



भवदीय

[Signature]
24.11.2021

(रामरंजन कुमार सिंह)
महासचिव
झारखण्ड प्राइवेट स्कूल
एसोसिएशन, राँची

[Signature]
24.11.2021
रामरंजन कुमार सिंह
महासचिव
झारखण्ड प्राइवेट स्कूल एसोसिएशन
राँची