

To
Block Education Officer

Sir/Madam,

Sub: Not to compel to submit Audit report / consider Audit report for reimbursement of RTE Amount for the year 2016-17.

Ref: 1. Rajasthan vs Govt. of India, SUPREME COURT CASES (2012)6 SCC SOCIETY FOR UNAIDED PRIVATE SCHOOLS OF RAJASTHAN

Versus

UNION OF INDIA AND ANOTHER WP No. 95 of 201 with Nos. 98, 126, 137, 228, 269, 310, 364, 384 of 2010. .. decided on April 12, 2012

Parah 15. By virtue of Section 12(2) the unaided school which has not received any land, building, equipment or other facilities, either free of cost or at concessional rate, would be entitled for reimbursement of the expenditure incurred by it to the extent of per child expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed. Such reimbursement shall not exceed per child expenditure incurred by a school established, owned or controlled by the appropriate Government or a local authority.

2. Pramati Education and Cultural Trust and others v. Union of India and others. Writ Petition No. 416 of 2012 with 152, 1081 of 2013, 60, 95, 106, 128, 144, 145, 160 and 136 of 2014, Dt- 6-5-2014.

Parah 44. When we examine the 2009 Act, we find that under Section 12(1)(c) read with Section 2(n)(iv) of the Act, an unaided school not received any kind of aid or grants to meet its expenses from the appropriate Government or the local authority is required to admit in class 1, to the extent of at least twenty-five percent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighborhood and provide free and compulsory elementary education till its completion. We further find that under Section 12(2) of the 2009 Act such a school shall be reimbursed expenditure so incurred by it to the extent of per-child expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed. Thus, ultimately it is the State which is funding the expenses of free and compulsory education of the children belonging to weaker sections and several groups in the neighborhood, which are admitted to a private unaided School.

3. Right of Children Chapter - 3

RIGHT OF CHILDREN TO FREE & COMPULSORY EDUCATION ACT, 2009
CHAPTER III
Duties of Appropriate Government, Local Authority and Parents
Sharing of financial and other responsibilities

7. (2) The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of the Act.

4. Right of Children Chapter - 4 (12 para 3)

RIGHT OF CHILDREN TO FREE & COMPULSORY EDUCATION ACT, 2009

CHAPTER IV

Responsibilities of Schools and Teachers

12 (2) The school specified in sub-clause (iv) of clause (n) of Section 2 providing free and compulsory elementary education as specified in clause (c) of sub - section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever, is less, in such manner as may be prescribed:

5. Upper limit vide govt. Notification No.ED27 MAHITI 2012 Dated 8th May 2012.

I request your good self to go through all the above reference and not to insist or consider to the submit Audit Report towards current year RTE re-imburement amount.

We being the members of KAMS, we wish to bring in the details of our request as follows.

It is very clear that Education Department or any other authority has no Jurisdiction to control or dictate the Expenses to be made by the school management which is nothing but taking away the rights of the private un-aided school management which is against the Supreme Court of India Historical Judgment in **TMA Pai Case**, which has given liberty to collect liberal fees on the basis of school maintenance.

Our management Association (**Associated management of Primary & Secondary schools in Karnataka – KAMS**) presented and had discussion with Education Minister, Principal Secretary & Commissioner, Department of Public Instruction, Nrupathunga Road, K.R. Circle, Bangalore, regarding the disparities in the reimbursement process across the state which is not in uniform, Hence considering Audited statement of each unit of school which is managed by one management who is the sole authority maintaining the account which is canalized by different sources inflow of money and common Expenditure is done to the needs of the school with that of individual parents needs, competitive education and other activities costing variable expenditure.

(This para is to such schools who are asked to submit separate audit report.)

Compelling to submit Audited report of only English Medium Primary Unit which is not specified in the relevant right to education act will leads to manipulating and scripting account to claim the maximum RTE re-imbusement amount.

All the above stated references from **01 to 04** do not specify about audit report and I do not know the rational behind demanding the audited report which should be seriously to be looked into.

Our Honorable High Court of Karnataka in the WP No 58873/2015 (EDN-RES) Dated 01-06-2016 directed to consider the reference no 03 and 04 and to take necessary initiative within six weeks which is not at all initiated by your good self or all the competent authority.

Our Commissioner office in the circular No. 7(8) RTE-Shu-maru-pa dated : 27-10-2016 also said to submit Audited report which is based on Karnataka Education Act 1993 relevant rule applicable to get registration to Start new Schools. But this rule is irrelevant to RTE reimbursement amount. The same is brought to our Commissioner knowledge by **(Associated management of Primary & Secondary schools in Karnataka – KAMS)** on **03-11-2016**

Hence through this letter I am herewith submitting the following details towards 2016-17 RTE reimbursement amount and requesting to release the amount at an early date to meet the deficient budget of our school.

Std	Total RTE No of Students	Annual Fees per Child	Total amount Payable	Total amount in words to pay
LKG				
UKG				
First				
Second				
Third				
Fourth				
Fifth				

Considering our requisition, please release the current year RTE reimbursement amount at an early date to meet the deficit amount

Thanking you

Yours faithfully,

SECRETARY

Dated :