



Government of Jammu and Kashmir
School Education Department
Civil Secretariat, JK (UT), Jammu/Kashmir

Sub: Affiliation issues of Schools-One time exemption thereof.

Circular No: 06-JK (Edu) of 2024

Dated: 19-09-2024

Whereas, by virtue of S.O 177 notified on 15.04.2022, section 2B was added to The J&K School Education Rules 2010, mandating that the applications for grant of Affiliation/Recognition shall be accompanied by a no-objection certificate regarding land use issued by the Revenue Department,

Whereas, various school managements in the U.T of J&K failed to furnish the requisite NOC from Revenue Department and thereby extension in affiliation/recognition in respect of these schools could not be granted,

Whereas, with a view to protect the academic interest of students enrolled in these schools, tagging with the nearby Government schools was implemented as a provisional measure,

Whereas, in the meanwhile many such schools located on Kahcharaie/State/Shamilat Land filed writ petitions in the Hon'ble High court of Jammu and Kashmir, challenging provisions of SO 177;

Whereas, the Hon'ble High court of Jammu and Kashmir disposed the writ petitions (clubbed) vide Judgement dated 08.08.2024, the operative part of which reads as under:

“.....where the schools being run on Kahcharie/State/Shamilat etc. land are concerned, the petitioners therein can either acquire the proprietary land and/or approach the respondent-authority (Principal Secretary to Government, Department of School Education, U.T. of J&K/J&K Board of School Education) with their plea as is made by them in their respective writ petitions for

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consideration which can also include the exchange of proprietary land in lieu of Kahcharie/State/Shamilat etc. land, as may be available under and in terms of the Land Revenue Act or any other applicable law(s). All these requests/applications shall be made by petitioners within four weeks from today. Principal Secretary to Government, Department of School Education, U.T. of J&K/J&K Board of School Education, on receipt of such application(s), shall decide the same either himself/itself or by constituting a Committee, comprising of senior officers of the School Education Department/J&K Board of School Education, Revenue Department or any other department(s) as may be thought appropriate by him/it, and get such applications decided within four months. While doing so, the petitioner(s) shall also be heard.

It is made clear here that in the event any of the writ petitioners makes the same proposal as has been made by the petitioner in WP(C) no.3250/2023, such a case will be governed and regulated by the directions passed herein above in WP(C) no.3250/2023. Till then petitioner(s) be permitted to run the school(s) provided they are able to do so having regard to change of circumstances during pendency of instant matter as the students studying in those schools have been shifted to other schools.

With regard to the writ petitions/cases, where Kahcharie/State/Shamilat land etc. is not involved, they (writ petitioners therein) can also approach Principal Secretary to Government, Department of School Education, U.T. of J&K/J&K Board of School Education, with their request/plight within four weeks from today. On receipt of such application(s), he/it shall either himself/itself decide or get such application(s) decided through the Committee, to be constituted by him/it, within a period of four months and while doing so, petitioner(s) shall also be heard. Till then petitioner(s) be permitted to run the school(s) provided they are able to do so having regard to change of circumstances during pendency of instant matter as the students studying in those schools have been shifted to other schools.....”

Whereas, thereafter this Department is in receipt of numerous applications from managements of various schools situated on Kahcharaie/State/Shamilat Land and matter has been taken up with the General Administration Department for constituting an inter-departmental committee as per the directions of the Hon'ble High Court dtd 08.08.24 to evaluate the claim made in the applications,

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Whereas, pending constitution of such a committee and disposal of applications received in the Department, it is imperative that the interest of the students studying in these schools is not adversely impacted,

Whereas a meeting to review the issues of JKBOSE was held in the Administrative Department on 17.09.24, wherein JKBOSE submitted that due to issues arising out of the provisions of SO 177, in the last academic session(2023-24) schools without a valid affiliation were tagged with the nearest government schools to enable the students to take examinations and students of class 9 of such tagged schools were given admission in 10th class without Registration Return(RR) forms. It was further informed that for the current academic session the issue is still persisting due to which the fate of students is at stake, since the Committee as stipulated by the order of the Hon'ble High Court, is yet to be constituted.

Whereas JKBOSE further informed that in the meeting of the Affiliation Committee held on 01-07-24, it was decided to issue notice to schools for tagging with government schools for this year as well. The clause 10 of the MoM of the said meeting is reproduced in verbatim as under:

"10., the committee in order to facilitate the students of the defaulter schools, also resolved that such affected students, who are currently studying in class 10th for the Academic session 2024-25 but have not been registered in Class 9th in view of non compliance to the standing norms/regulations by their respective Institutions, shall be informed separately by way of a notice which shall be got vetted from the School Education Department before promulgation."

Whereas the matter has been taken up by JKBOSE with both the Directors of School Education, Jammu /Kashmir, but nothing substantial to resolve the issue seems to have happened so far.

Whereas, it is necessitated in the circumstances to take effective steps to safeguard the academic session of the numerous students enrolled in the institutions without valid affiliation and also obviate the possibility of tagging of schools becoming an annual exercise/precedent by JKBOSE, till a conclusive decision in the matter is arrived at by the proposed Committee to be constituted by General Administration Department.

Now therefore, it is hereby notified for the information of all stakeholders that JKBOSE shall grant **Provisional affiliation , as a one time exemption**, to all such schools which are without a valid affiliation , both for the earlier academic session

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2023-24 (when they were tagged with the nearby government school) and current academic session 2024-25, for non-conformity to provisions of SO 177. Further, JKBOSE shall extend all board related facilities viz; Registration Return (RR) forms, eligibility, migration and examination to such schools for sessions 2023-24 and 2024-25, for classes 9th to 12th. It is clarified that this exemption/provisional affiliation is subject to the decision of the Proposed Committee to be constituted by the General Administration Department, as directed by the Hon'ble High Court and may be rescinded if the committee arrives at a contrary decision.


Sd/-
Alok Kumar (IRS)
Principal Secretary to Government
School Education Department

No: Edu-BOSE/21/2024-01(7562870)

Dated:19 -09-2024

Copy to the:-

1. Chairman , JKBOSE for information and compliance.
2. Director, School Education, Jammu/Kashmir, for information and compliance.
3. Project Director Samagra Shiksha J&K for information and compliance.
4. OSD to Advisor(B) for information.
5. Private Secretary to the Chief secretary UT of J&K.
6. Private Secretary to the Principal Secretary School Education Department.
7. I/C Website.
8. Circular File


19-9-24
Neha Bakshi (JKAS)
Under Secretary to the Government
School Education Department
