

## CHAPTER V

**OPENING AND RECOGNITION OF SCHOOLS**

1. **Recognised and provisionally Recognised Schools and Standards:-** (1) A recognized Standard is one which is opened and conducted in accordance with the provisions in the Kerala Education Act 1958 and the Rules issued under the Act and declared by the Director or any other competent authority of the Department to be a recognized standard.
  - (2) Not with standing anything contained in any of these Rules, all recognized schools and standards established before the commencement of the Kerala Education Act and continuing as such shall be deemed to be recognized schools and standards.
  - (3) Every school under an Educational Agency opened with the permission of the competent authority and such of the standard in it as are opened with the permission of the competent authority specified in Rule 3 below shall be deemed to be provisionally recognized until recognition is conferred on the school or the standards according to Rules below:
  - (4) Unless otherwise specified, all the rules relating to recognized schools and standards shall be applicable to provisionally recognized schools and standards also.
  - (5) The opening of schools by an Educational Agency and their recognition shall be governed by the procedure laid down in the rules below and they shall apply mutatis mutandis to the opening and recognition of new standards. Permission to open and for recognition for each standard shall be separately obtained.
- <sup>1</sup>2. **Procedure for determining the areas where new schools are to be opened for existing schools upgraded -** (1) <sup>2</sup>[The Director may, from time to time, prepare two lists, one in respect of aided schools and the other in respect of recognized schools, indicating the localities where new schools or any or all grades are to be opened and existing Lower Primary School or Upper Primary Schools or both are to be upgraded. In preparing such lists he shall take into consideration the following].
  - (a) The existing schools in and around the locality in which new schools are to be opened or existing schools are to be upgraded;

- (b) The strength of the several standards and the accommodation available in each of the existing schools in that locality;
- (c) The distance from each of the existing schools to the area where new schools are proposed to be opened or to the area where existing schools are to be upgraded;
- (d) The educational needs of the locality with reference to the habitation and backwardness of the area; and
- (e) Other matters which he considers relevant and necessary in this connection.

<sup>3</sup>[**Explanation:-** for the removal of doubts it is hereby clarified that it shall not be necessary to prepare the two lists simultaneously and that it shall be open to the Director to prepare only one of the lists.]

(2) <sup>4</sup>[A list prepared by the Director under Sub-rule (1) shall be published in the Gazette, inviting objections or representations against such list.] Objections, if any, can be filed against the list published within one month from the date of publication of the list. Such objection shall be filed before the Assistant Educational Officers or the District Educational Officers as the case may be. Every objection filed shall be accompanied by chalan for Rs. 10/- remitted into the Treasury. Objections filed without the necessary Chalan receipt shall be summarily rejected.

(3) The Assistant Educational Officer and the District Educational Officer may thereafter conduct enquiries, hear the parties, visit the areas and send their report with their views on the objections raised to the Director within two months from the last date of receipt of the objections. The Director, if found necessary, may also hear the parties and finalise the list and send his recommendations with the final list to Government within two months from the last date of the receipt of the report from the Educational Officers.

(4) The Government after scrutinizing all the records may approve the list with or without modification and forward the same to the Director within one month from the last date for the receipt of the recommendations of the Director. The list as approved by the Government shall be published by the Director in the Gazette].

(5) No appeal or revision shall lie against the final list published by the Director.

<sup>5</sup>[Provided that the Government may either suo motu or on application by any person objecting to the list published by the Director

under sub-rule (4) made before the expiry of thirty days from the date of such publication review their order finalizing such list and make such modifications in that list as they deem fit by way of additions or omissions, if they are satisfied that any relevant ground has not been taken into consideration or any irrelevant ground has been taken into consideration or any relevant fact has not been taken into account while finalizing the said list:

Provided further that no modification shall be made under the preceding proviso without giving any person likely to be affected thereby an opportunity to make representation against such modifications.]

<sup>6</sup>[(5A) The proviso added to sub-rule (5) by the Kerala Education (Amendment) Rules, 1981 published in the Kerala Gazette extraordinary No. 667, dated the 19<sup>th</sup> August 1981, shall be deemed to have been added to that sub-rule with effect on and from the 1<sup>st</sup> day of June 1981].

<sup>7</sup>[(6) The Govt. may, by notification in the Gazette, extend any period specified in sub-rules (3) and (4) for reasons to be stated in the notification.]

**2A. Applications for opening of new schools and upgrading of existing schools** - (1) After the publication of the final list of the areas where <sup>8</sup>[new school of any or all grades] are to be opened or <sup>9</sup>[existing Lower Primary Schools or Upper Primary schools or both] are to be upgraded the Director shall, by a notification in the Gazette <sup>10</sup>[x x x] call for applications for the opening of <sup>8</sup>[New schools of any or all grades] and for raising of the grade of <sup>9</sup>[existing Lower Primary Schools or Upper Primary Schools or both] in the areas specified.

(2) Applications for opening of new schools or for raising schools shall be submitted only in response to the notification published by the Director. Applications received otherwise shall not be considered. The applications shall be submitted to the District Educational Officer of the area concerned in form No. 1 with 4 copies of the application and enclosures <sup>11</sup>[within one month from the date of publication of the notification under sub- rule (1)].

(3) On receipt of the applications for permission to open new schools or for upgrading of existing schools, the District Educational Officer shall make such enquiries as he may deem fit as to the correctness of the statements made in the application and other relevant matters regarding such applications and forward the applications with his report thereon to

the Director <sup>11</sup>[within one month from the last date for submitting applications under sub-rule (2).]

(4) The Director on receipt of the applications with the report of the District Educational Officer shall forward the applications with his report to Government. <sup>11</sup>[within one month from the last date for forwarding the report by the District Educational Officer.]

(5) The Government shall consider the applications in the light of the report of the District Educational Officer and the Director and other relevant matters which the Government think necessary to be considered in this connection and shall take a final decision and publish their decision in the Gazette with the list containing necessary particulars. <sup>11</sup>[within one month from the last date for forwarding the report by the Director.]

(6) Applications for permission to open a new standard in an existing school during any school year not involving the raising of the grade of the school shall be submitted to the District Educational Officer in charge of the area in form 1 in triplicate.

<sup>12</sup>[(7) x x x x]

<sup>13</sup>[(8) The Government may, by notification in the Gazette, extend any period specified in sub-rules (3), (4) and (5) for reasons to be stated in the notification.]

<sup>14</sup>**2B. Review of orders by Government** - (1) The Government may, either suo motu or on the application of any party interested, review, confirm, modify or cancel any decisions and pass such orders as they may deem fit:

Provided that in the public interest or for the larger interest of the State, Government may exercise such powers without giving notice to the parties likely to be affected, if Government are satisfied that there is any urgency.

(2) Notwithstanding anything contained in these rules, Government may take a general policy decision taking into account the various factors for opening and recognition of schools and with due regard to the overall finances of the State, that no recognized or aided schools shall be opened for a year or for any specified period.

(3) Notwithstanding any of the provisions contained in these rules, even in cases where steps under rule 2 A of Chapter V, are completed,

Government shall not be obliged to take further steps commencing from rule 11, and Government shall be at liberty to stop the exercise at any stage, if they feel that it is in the public interest, or in the larger interest of the State, or in the interest of the policy that is pursued by Government, and pass such order as Government deems fit under the circumstances.

**3. Devolution of powers regarding recognition of schools and withdrawal of permission granted to open schools-** In the matter of opening of higher standards in schools and closing down of schools and recognition and change of management of private Schools:

(a) The Director \* shall be competent

- (i) to sanction the conversion of ordinary Primary and Training schools into Basic and Basic Training schools in consultation with the Local Educational Authority (if any) subject to the total number fixed by Government for conversion each year;
- (ii) to withdraw in consultation with the Local Educational Authority (if any) permission granted to open Primary, Special ad Training Schools;
- (iii) to withdraw permission granted to open standards in secondary schools;
- (iv) to sanction the next higher Standard in complete Secondary Schools and more than one higher Standard at a time in incomplete primary and secondary schools and to close down Training Schools and Standard in Secondary Schools. The Local Educational Authority (if any) will be consulted before Training Schools are closed down;
- <sup>15</sup>[(v) to accord permission for granting temporary recognition to schools beyond <sup>16</sup>[one year]:]
- (vi) to change sites of private schools of all categories in consultation with the Local Educational Authority (if any):
- (vii) to change the names of private and Government Schools;
- <sup>17</sup>[(viii)x x x x x]
- (ix) to dispose of appeal over the orders of the District Educational Officers regarding recognition of schools.
- <sup>18</sup>[(a) (a) Not withstanding anything contained in Rule 2, the Director\* may for valid and sufficient grounds condone the delay in applying for permission to open higher standards in any school].

(b) The District Educational Officer shall be competent:-

- (i) to approve changes of management of private Secondary and Training Schools from one person to another provided there is no change in ownership except due to inheritance;
- (ii) to approve school sites and plans for the construction of and structural alternations to school buildings;
- (iii) to approve the bye-laws of the constitution of the management of private schools;
- (iv) to sanction the opening of the next higher standard in incomplete Primary Schools;
- (v) to close down Standards in Primary Schools;
- <sup>19</sup>[(vi) to grant recognition to Primary, Secondary and Training schools and Primary, Secondary and Training School Standards and withdraw recognition of schools of all types for satisfactory reason;].
- (vii) to permit the opening and closing down of divisions of standards in Secondary Schools- Private and Departmental according to Rules, and
- (viii) to approve the change of management of private secondary and Training Schools under their control as per the sanctioned bye-law of the constitution.

(c) The Assistant Educational Officer shall be competent;

- (i) to sanction the opening and closing of division in existing Standards in Primary Schools- Departmental and Private - Subject to Rules in force; and
- (ii) to approve the transfer of management of private primary schools provided there is no change in ownership or title <sup>20</sup>[except due to inheritance].

<sup>21</sup>[**3A. Appeals** - Any person aggrieved by an order of Director under clause (viii) of sub-rule (a) of rule 3 refusing to approve the change of management involving change of ownership may appeal to Government within one month from the date of the order appealed against].

**4. Consulting the Local Educational Authority when higher standards are sanctioned or refused-** The Local Educational Authority, if any, shall be consulted when sanction is given or refused to open higher standards and when sanction given for a standard is withdrawn and also when recognition is granted to schools or is withdrawn.

**5. Application fees** - A fee of rupees ten shall be levied in respect of every application for permission to open a Lower Primary School, or a Junior

Basic School. The fee shall be rupees twenty in the case of an Upper Primary School or Senior Basic School or a Training School and rupees thirty in the case of Secondary School. The fee will not to be refunded under any circumstances. No fee shall be levied in the case of the opening of higher standards without raising the grade of the school.

**6. Documents etc. to accompany the application** – Every application shall be accompanied by:

- (i) the chalan receipt for the application fee prescribed in the previous Rule;
- (ii) a sketch plan of the site of the proposed school;
- (iii) a sketch plan of the locality showing the positions of the proposed school and the neighbouring schools which already serve the educational needs of the locality and the distances of the proposed site from the neighbouring schools also marked;
- (iv) a declaration by the applicant that the first instalment of financial guarantee when necessary- Vide Rule 7 will be deposited on the date of opening the school and the subsequent instalments on the dates prescribed.
- (v) Documentary evidence to show the applicant's absolute ownership or his right to be in exclusive possession for a period of not less than six years of the site and buildings (if any) of the proposed school; and
- (vi) In cases where there are no buildings; a sketch plan of the proposed buildings with a declaration undertaking to put up the necessary buildings as per approved plan and to provide the necessary equipments before a specified date.
- <sup>22</sup>[(vii) A declaration by the applicant in the case of opening of new recognized unaided schools or upgrading of existing recognized unaided schools that he shall not at any time apply for the conversion of the unaided Recognised Schools into aided schools].
- <sup>23</sup>[(viii) an agreement duly executed<sup>23</sup> by the applicant to the effect that he is prepared to absorb qualified teachers/non teaching staff who are eligible for protection as per orders issued by Government from time to time and that any such orders shall form part and parcel of the agreement as if they were incorporated in the agreement.

**7. Financial guarantee** – (1) Every Educational Agency of a recognised school other than aided school shall furnish a financial guarantee as

specified below which shall be in the form of cash deposits in the Postal or Treasury Savings Bank the pass book being pledged to the concerned Educational Officer or to the Director if the guarantee is for several schools under the same management.

(2) When more than one school is under the same Educational Agency, individual or corporate, the aggregate financial guarantee for all these schools shall be rupees five thousand of which rupees three thousand shall be deposited immediately and the balance in two annual instalment of rupees one thousand each, in the course of the next two years.

(3) When there is only one school under the Educational Agency, individual or corporate the financial guarantee shall be:

- (a) Rupees three thousand in the case of a Secondary School to be paid in three consecutive annual instalments of rupees one thousand each, the first instalment being on the date of opening of the school;
- (b) Rupees one thousand and five hundred in the case of an Upper Primary or Senior Basic School to be paid in three consecutive annual instalments of rupees five hundred each, the first instalment being on the date of opening of the school and
- (c) Rupees one thousand and five hundred to be deposited at the time of opening in the case of a Training School, if not attached to an Upper Primary or Secondary School. If attached to an Upper Primary School or Secondary School a financial guarantee of rupees five hundred shall be deposited for the Training Section at the time of the opening.
- (d) Rupees seven hundred and fifty in the case of Lower Primary or Junior Basic School to be paid in three consecutive annual instalments of Rupees two hundred and fifty each, the first instalments being on the date of the opening of the school.

(4) It shall be open to the Educational Agency to furnish the financial guarantee in one lump immediately, instead of in instalments as specified in sub- rules (2) and (3).

(5) The fee income received by the school shall not be utilised for depositing any part of the financial guarantee. In the event of a school being closed down the financial guarantee shall be released



only to the extent to which it is not made of fee income or grant and aid which may have been utilised previously for depositing any part of the financial guarantee.

- 8. Fee income to be utilised for Educational purpose** – The fee and other income of a school shall not be utilised for any purpose other than educational purposes directly connected with the school.

**Note-** (i) Fee income shall be taken to include tuition fees, fines and admission fees.

(ii) "Educational purposes" do not include the deposit of financial guarantee. In case any doubt arises as to whether any particular item of expenditure comes under the term "educational purposes" it shall be referred to the Director for final decision.

- 9. Conditions for grant of permission to open new schools-** No permission to open a new school shall be granted:-

- (i) If the applicant does not possess absolute ownership or right to be in exclusive possession for a period of not less than six years over the site, buildings and other properties of the school;
- (ii) If the application is defective in material respects;
- (iii) If the declaration regarding the financial guarantee, where necessary, is not furnished;
- (iv) If the educational needs of the locality do not require the opening of a new school;
- (v) If the situation of the school is inaccessible to all the members of the public;
- <sup>24</sup>[(vi) If a person convicted of an offence involving moral turpitude is a member or an office-bearer of the managing body].

<sup>25</sup>[**10.** x x x x] (Deleted by Legislative Assembly)

- 11. Grant of permission to open new schools** – If Government are satisfied that permission to open the schools included in the development plan may be granted, they may issue an order to that effect through the Director specifying therein:

- (i) the Educational Agency in whose favour the permission is granted;

- (ii) The grade of school, i.e. Lower Primary, Upper Primary, or Secondary etc;
- (iii) the Standard or Standards to be opened;
- (iv) the location of the school;
- (v) the date from which the school should start functioning; and
- (vi) the conditions to be fulfilled by the Educational Agency in respect of the site, area, building, equipments. staff, financial guarantee and such other matters.

**Note:-** (i) A copy of the order shall be furnished to the Local Educational Authority (if any).

(ii) No school which has not been included in the development plan of the Educational Authority (if any) shall be opened.

(iii) The Educational Agency shall, at the time of communicating the sanction, also be informed of the period, which shall not ordinarily exceed three months, within which the conditions should be fulfilled and application for recognition made. In all cases, absolute ownership or right to be in exclusive possession for a period of not less than six years of the necessary site prescribed shall be a sine qua non and in no case shall permission to open a school without the requisite area be granted.

(iv) The school shall not be allowed to function from the date from which permission was given for opening the school unless all the conditions imposed for the opening are satisfactorily fulfilled on or before the opening date.

<sup>26</sup>[(v) In the case of recognized unaided schools, the schools shall not be allowed to function from the date from, which permission was given for opening or upgrading the school unless the applicant executes an undertaking in the form given below that he shall not move Government, at any time for the conversion of the school into an aided school, the permission granted for opening of the school shall automatically lapse.

### FORM

I, (the name and address of the applicant) hereby undertake that I shall not at any time move Government for the conversion of my school (the name of the school) sanctioned to be opened as per Government order ..... dated ..... into an aided school].

**12. Appeal against the orders regarding opening of schools and renewal of rejected applications-** <sup>27</sup>[(1) The applicants for the opening of new schools may present a revision petition before Government within thirty days from the date of publication in the Government Gazette of the list of new schools permitted to be opened or upgraded, if the schools for which applications were submitted by them are not included in the list.]

(2) If permission is finally refused, no renewal of the same application nor fresh application is respect of practically the same school shall be considered until the expiry of one year form the date of the first application. The procedure to be followed in the case of a renewed application shall be the same as in the case of the original application.

**13. Permission to lapse if schools is not opened on due date-** (1) Permission granted under rule 11 shall be deemed to have lapsed if the new school is not opened on the stipulated date, unless an extension of time is granted by the \*Director under sub- rule (2) below.

(2) If the \*Director is satisfied that there are unavoidable circumstances on account of which the new school could not be opened on the stipulated date, he may grant an extension of time up to a maximum limit of one month from the re-opening day.

(3) When a new school has been opened on any day other than the re-opening day and if, by that reason alone, a rule becomes inoperative in the case of that school, it shall be competent for the Director to relax the enforcement of the rule in the case of that school].

<sup>28</sup>[(13A) **Withdrawal of recognition and permission for false declaration:-** If permission to open new school is obtained by false declaration, it will be open to Government or any officer authorised by Government in this behalf to withdraw the recognition and the permission granted for the opening of the school].

**14. Opening to be reported to the Educational Officer:-** When a new school is opened with permission granted under rule 11, the fact shall be reported to the Educational Officer and Director with a statement showing (i) the date of opening (ii) the location (iii) the standards opened (iv) the names and qualification of the staff and (v) the accommodation and equipment provided. The Educational Officer shall visit the school immediately and report to the Director as to whether the conditions stipulated for opening the school have been satisfied.

**15. Withdrawal of permission** - If all the conditions have not been satisfactorily fulfilled within the time prescribed and recognition applied for the permission granted to open the school may be withdrawn by an order of the \*Director unless on account of special circumstances the Director allows the management an extension of time to fulfil the condition.

**<sup>29</sup>[16(a). Application for recognition** - Applications for recognition of schools or of additional standards shall be made to the District Educational Officer in Form 2 within three months from the date of opening of schools or of additional standards by the Manager. Applications from Managers of Schools for the continuance of temporary recognition of their schools or of standards of their schools shall be made to the District Educational Officer not later than three months before the expiry of the temporary recognition.

**(b) Condonation of delay in applying for recognition** - The District Educational Officer may, for satisfactory reasons, entertain an application for recognition from the date of opening of the school or of the expiry of recognition if the application is made after the expiry of the period specified in sub-rule (a) above. In all cases where the period to be condoned exceeds three months, the approval of the Deputy Director (Education) shall be obtained.

**(c) Every application for recognition shall be accompanied by:-**

- (i) A site plan of the school drawn to scale;
- (ii) a ground plan of the building drawn to scale showing the standards accommodated in each room; and
- (iii) a statement showing the conditions prescribed and how far they have been fulfilled.

**(d) The competent authority may grant either permanent recognition or temporary recognition].**

**17. Conditions to be satisfied for grant of recognition-** Recognition shall be granted only to schools which satisfy the following conditions:-

- (i) The school must have been opened with permission under Rule 11;
- (ii) Its financial conditions must be satisfactory and no instalment of the financial guarantee specified in Rule 7 must be in default;

- (iii) Teachers must have been appointed in accordance with the relevant provisions in the Kerala Education Act and the Rules under it;
- (iv) The Educational Agency or the Manager that may be appointed by it must undertake in writing to have the school accounts annually audited by auditors approved by the Director or the auditors authorised by the Government;
- (v) The school must be necessary to meet educational needs of the locality; and
- (vi) It must be conducted in accordance with the provisions of the Kerala Education Act, the Rules under it, and the directions issued by the Government or the Department from time to time.

**18. Recognition to be refused to schools guilty of improper competition etc** - Recognition may be refused to a school if at any time prior to the application for recognition it had been found guilty of improper competition with other institutions or deliberate violation of the provisions of the Kerala Education Act, the Rules made there under or any direction duly issued by the Government or the Department.

**19. Matter to be specified in an order granting recognition to a school-** The Order granting recognition to a school shall specify:

- (i) the Educational Agency in whose favour it is issued;
- (ii) the grade of the school, with special name, if any;
- (iii) the Standard or Standards to which recognition is granted;
- (iv) the location of the school; and
- (v) the date from which recognition will take effect.

The recognition so granted shall not apply to any other Educational Agency or to any other school or standard or to any other location.

**20. Matters to be specified in order granting recognition to a standard-** The order granting recognition to Standard shall specify:

- (i) the Educational Agency;
- (ii) the name of the school;
- (iii) the location of the school;
- (iv) the Standard to which recognition is granted; and
- (v) the date from which recognition shall have effect.

The recognition so granted shall not apply to any other Educational Agency or school or to any other standard or location.

<sup>30</sup>[21. **Orders granting recognition** - (1) If any of the conditions prescribed in rule 17 is not satisfied a temporary recognition for one year at a time may be granted by the District Educational Officer. Previous approval of the Director shall be obtained to accord temporary recognition beyond three years. Permanent recognition shall be granted to the schools satisfying all the prescribed conditions.

(2) Recognition shall be granted from the date of opening of schools or of the additional standards or from the date of expiry of temporary recognition if the application has been made within the period specified in sub-rule (a) of rule 16 or the delay in submitting application for recognition has been condoned in the manner laid down in sub-rule (b) of rule 16. In all other cases recognition shall be granted from the date of application for recognition:

Provided that it shall be competent for the District Educational Officer to grant recognition to primary and secondary schools and standards deemed as provisionally recognised under sub-rule (3) of rule 1, from a date prior to the introduction of Kerala Education Rules. The retrospective recognition of such schools in such cases shall take effect from the date of payment of salary by Government to the teaching staff in the standard or standards concerned and not from an earlier date].

22. **Withdrawal of recognition** - (a) The recognition granted to a school or standard may be withdrawn:-

- (i) If it does not continue to conform to the conditions of recognition.
- (ii) If it commits any breach of the provisions of the Act and the Rules; and Departmental Rules and directions issued in conformity with the provisions of the Act and the Rules issued thereunder;
- (iii) If it fails to maintain a proper standard of efficiency and discipline;
- (iv) If the audited statements of accounts are not produced as required by the Department within six months of the close of the year to which the accounts relate; or if facilities are not given for audit by auditors appointed by the Director or by other auditors authorised by the Government;
- (v) If it has on its staff any teacher who has been declared by the Government or the Department to be unfit to be a teacher or a teacher whose license has been suspended or cancelled;
- (vi) If it is under management of a person who has been declared by the Department to be unfit to be a manager of a recognised school;

- [(vii) x x x];
  - (viii) If the salary of any teacher in the school is not being paid to him in accordance with the terms;
  - [(ix) x x x];
  - (x) If the management fails without adequate cause to depute the teachers for training as may be required by the Department;
  - <sup>31</sup>[(xi) If a person who is convicted of an offence involving moral turpitude continues to be member or an office bearer of the managing body of a school].
  - <sup>32</sup>[(xii) if donations, by whatever name called, are obtained, either directly or indirectly, in connection with the admission of a pupil to any standard in the school or the promotion of the pupil to a higher Standard at or before or after such admission or promotion, from any of the parents or other relatives or guardian of the pupil];
- (b) before recognition is withdrawn from any school, the management of the school shall be given one month's notice of the intension to do so.

<sup>33</sup>**22-A. Withdrawal of recognition for want of minimum strength** - <sup>34</sup>[(1) The minimum effective strength per standard in Lower Primary Upper Primary and High Schools shall be 25. A School shall be deemed to have the minimum strength if the average effective strength per standard is not less than 25. The minimum effective strength per Standard in Sanskrit and Arabic School shall be 15].

(2) The recognition granted to a school may be withdrawn if it fails to maintain the minimum strength. The District Educational Officer may issue a registered notice to the Headmaster and the manager, if the strength of the school is below the minimum to secure the required strength within one month failing which the recognition of the school may be withdrawn with effect from the end of the school year.

(3) The Director may in deserving cases grant exemption form minimum strength for a school for a specified period. It shall also be competent for the Director to withdraw the recognition of existing schools or permission granted to open new schools if they do not have the minimum strength.

(4) The Director shall take into consideration the alternative educational facilities in the locality and the backwardness of the area served by the school in the matter of education before recognition/ permission is withdrawn under sub-rule (2)].

**23. Recognition to be withdrawn in cases of mismanagement etc:** If at any time it is found that a private school is not functioning as an efficient unit in the educational system of the State or has fallen into mismanagement or if the authorities of the school have been guilty of any serious contravention of the Rules, the recognition and the sanction accorded for the opening of the school may be withdrawn and the school closed down after reasonable notice.

<sup>35</sup>**[23A Review** – The District Educational Officer may on application made by the management of a school within thirty days of the order withdrawing the recognition of the school, review and modify or cancel his order if he is satisfied that the breach of the Rules for which the recognition was withdrawn has been rectified or that there are, in public interests good and sufficient reasons to restore recognition to the school.

**23 B. Appeal** – Any person aggrieved by a order of the District Educational Officer refusing to grant recognition to, or withdrawing the recognition of a school, may within thirty days from the date of the order, appeal to the Director]\*

<sup>36</sup>**[23BB.Revision** – Not withstanding anything contained in these rules, the Government may, on their own motion or otherwise, after calling for the records of the case, revise any order passed by any subordinate authority in respect of matters contained in this Chapter and in doing so may-

- (a) Confirm modify or set aside the order.
- (b) remit the case to the authority, which made the order or any other authority directing such further action or inquiry as they consider proper in the circumstances of the case; or
- (c) pass such other order as they deem fit:

Provided that before passing an order under this rule, the Government shall give to the Educational Agency, concerned a reasonable opportunity to show cause why such order should not be passed and shall consider its explanations and objections, if any].

<sup>37</sup>**[23C. Bifurcation of Schools:** – The Director may with the permission of the Government sanction bifurcation of an existing school (Government or Private) into Boy's and Girls Schools or allow the separation of the Lower Primary Section or the Upper Primary Section or both from a school and allow independent Lower Primary or Upper Primary Schools to be established instead].



- 24. Closure of Private Schools:-** (1) No Private school shall be closed down without giving the Director one year's notice expiring with the 31<sup>st</sup> May of any year of the intention to do so.
- <sup>38</sup>[(2) The Director may, after considering all aspects of the question, grant permission for the closure of the school and recognition of such school shall lapse. No application for withdrawal of the notice after the issue of permission shall be entertained unless adequate reasons are adduced to the satisfaction of the Director. The order of the Director in the matter shall be final].
- 25. In the event of closure, records to be handed over to the Department:-** When a school is closed down or discontinued or its recognition is withdrawn the manager shall hand over to the Assistant Educational Officer for the area in the case of the primary schools and to the District Educational Officer for the area in the case of all other schools, all records and accounts of the school and the Department shall take the necessary steps for taking charge of the records and accounts;
- 26. Release of financial guarantee:-** If any school is closed down the financial guarantee furnished by the Educational Agency in respect of that school shall not be released until all liabilities of the school are discharged and all records and accounts relating to the school are handed over to the Department.
- 27. Withdrawal of recognition to be notified in the Gazette-** When the recognition of an institution or the permission to open a school or standard is withdrawn, the fact shall be notified in the Gazette by the Educational Officer.
- 28. Recognised institutions prohibited from competing in improper manner with other recognised schools:** Recognised institutions are prohibited from competing in any improper manner with other recognised institutions.
- <sup>39</sup>**29.** If a private school ceases to exist or is transferred to a different locality or to a different educational agency without the sanction of the competent authority the recognition granted to it shall lapse].

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1. Substituted by G.O (P) 115/71/S.Edn. dated: 19/08/1971 published in Gazette dated: 29/01/1971.

2. Substituted by G.O (P) 1/83/G.Edn. dated: 1-1-1983 published in Gazette dated: 1-1-83.

3. Inserted by G.O(P) 1/83/G.Edn. dated: 1-1-1983 published in Gazette dated 1-1-1983.

4. Substituted by G.O (P) 1/83/G.Edn. dated: 1-1-1983 published in Gazette dated: 1-1-83.
  5. Added by G.O. (P) 150/81 G.Edn. dt. 19-8-1981 published in gazette dt. 19-8-1981
  6. Inserted by G.O (P) 2/83 dated 1-1-1983 published in gazette dated 1-1-1983.
  7. Substituted by G.O.(P) 1/83/G.Edn. dated 1-1-1983 published on 1-1-1983 with effect from 1-3-82 for "Government may revise the dates fixed if found necessary and shall duly publish the fact in the gazette".
  8. Substituted for "new schools' by G.O. (P) 170/71/S Edn. dt. 3-12-1971 published in Gazette dated 21-12-1971.
  9. Substituted by G.O. (P) 170/71/S Edn. dated 3-12-1971 published on 21-12-1971 for "existing schools".
  10. Omitted by G.O (P) No. 1/83 dated 1-1-1983 published on 1-1-1983.
  11. Added by G.O. (P) 1/83 dt. 1-1-1983 published on 1-1-1983 with effect from 1-3-1982.
  12. Omitted by G.O. (P) 1/83/G.Edn. dated 1-1-1983 from 1-3-1982.
  13. Substituted by G.O (P) 1/83/G.Edn. dated: 1-01-1983.
- \* The powers are delegated to Deputy Directors (Education.)
14. Inserted with effect from 1-3-1982 by G.O. (P) 145/88/G.Edn. dt. 23-9-1988 published in Gazette dt. 23-9-1988.
  15. Substituted by G.O. (P) 388/63 Edn. dated 11-6-1963 published on 25-06-1963.
  16. Substituted by G.O. (P) 816/63 Edn. dated 17-12-1963 published on 24-12-1963.
- \* The powers are delegated to Deputy Directors (Education.)
17. Omitted by G.O. (P) 150/71 S.Edn. Dated 27-10-1971.
  18. Added by G.O. (P) 309/66/Edn. dated 6-7-1966 published on 6-09-1966.
  19. Substituted by G.O.(P) 438/64 Edn. dated 14-6-78 published on 1-9-64.
  20. Added by G.O. (P) No. 73/78/G.Edn 14-6-78 published on 11-7-78.
  21. Inserted by G.O. (P) 86/70 Edn. dated 23-2-70 published on 10-3-70,
  22. Added by G.O. (P) 116/71/G.Edn. dt. 26-8-1971 published in Gazette dt. 21-09-1971.
  23. Substituted by G.O (P) No. 79/2010/G.Edn. dated: 25-05-2010 published in Kerala Gazette dated: 26-05-2010.
  24. Added by notification published on 18-09-1962.
  25. Omitted by G.O. (P) 115/71/S. Edn. dated 19-8-1971 published on 21-9-1971.
  26. Added by G.O. (P) 116/71/S. Edn. dated 26-8-1971 published on 21-9-1971.
- \* The powers are delegated to the Deputy Director (Edn.)
27. Substituted by G.O. (P) 26/63 dated 14-1-1963 published on 22-1-1963 for the sub-rule.
- \* The powers are delegated to the Deputy Director (Edn.)
28. Inserted by G.O. (P) 445/69 Edn. dated 19-11-1969 published on 2-12-1969.
  29. Substituted by G.O. (P) 388/63 Edn. dated 11-06-63 published in Gazette dt. 25-06-63.
  30. Substituted by G.O (P) 388/63/Edn. 11-6-1963 published on 25-6-1963
  31. Added by notification published in Gazette dated 18-09-1962.
  32. Inserted by G.O. (P) 144/85/G.Edn.dated 4-7-1985 published on 4-7-1985.
  33. Added as per notification in Gazette dated 17-7-1962.
  34. Substituted by notification dated 5-8-1971, published on 31-8-1971.
  35. Inserted by notification published in Gazette dated 11-8-1959.
- \* The powers of the Director are delegated to the Deputy Director (Edn.)
36. Inserted by notification SRO 897/82 published on 4-7-85.
  37. Inserted as per notification published in Gazette dated 21-3-61.
  38. Rule 24 renumbered as sub-rule (1) of that rule and this added as sub-rule (2) by notification published in Kerala Gazette dated 11-5-1965.
  39. Added by notification published in Gazette dated 1-9-1964.