



Press Release

Haryana School Closure Order Quashed by Punjab and Haryana High Court

New Delhi – The Punjab and Haryana High court passed a judgement on 15 January 2015, quashing the blanket school closure order issued by Haryana Authorities in 2013 against private schools that did not meet recognition norms, or had not applied for recognition under Sections 18 and 19 of the Right of Children to Free and Compulsory Education Act, 2009. The order stated:

*"[...]the petitioners themselves admitted that after the notices were issued some of them had given replies and some of them had not; some of them applied for recognition under the Act and some may not have. **Whatever were the failings of the petitioners, there is a modicum of procedure that the State is bound to follow before the orders are passed directing closure of the schools.** If only the State had undertaken any inspection and noticed on a case to case basis that norms had not been fulfilled or applications had not even been filed or replies had not been given, it would not be possible for the State to pass the order in the manner that it did. [...] **An omnibus order that the replies submitted were not found in proper order only betrays a complete lack of application of mind.** If the schools were required to be closed or recognition was required to be withdrawn, there bound to be for reasons laid down under the 2003 Rules or under the RTE Act. [...]"*

On 17 September 2013, the Haryana Government had issued a blanket school closure order for private schools running in the state that did not comply with Sections 18 and 19 of the RTE Act. A Writ Petition (WP (c) no. 21936 of 2013) was filed by Jhilmil Phulwari and other budget private schools, including members of the National Independent Schools Alliance, an initiative of Centre for Civil Society, in the High Court at Chandigarh, against the closure orders issued by the Haryana Authorities.

"Private schools outperform government schools on almost parameters, at a fraction of the functioning cost. The poor are voting with their feet away from government schools, and the High Court judgement is a step toward strengthening the position of budget private schools in the country and creating access to education of choice for all", said Parth J Shah, President, Centre for Civil Society.

The court's judgement is significant, especially in light of the facts that Pratham's Annual Status of Education Report 2014 throws up. In 2014, enrolment in private schools in Haryana increased from 51.4 to 54.2 percent in rural areas. Private schools also perform better, on average, than government schools in the State, with only 36.5 percent of children in Std III in government schools being able to read a Std I text, while the figure for private schools is 82.8 percent. Similarly, for mathematics skills, in government schools, 24.3 percent student in Std III could do subtraction, while in private schools this figure is 74.7 percent.



“Norms and standards are not effectively applied to government schools, and if these schools do not comply with RTE norms, they are not shut down. But a private school is required to shut down, despite it having better learning outcomes than a government school” said Prashant Narang, Advocate, iJustice.

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