

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
(PRIVATE SCHOOL BRANCH)
OLD SECRETARIAT, DELHI-110054

No. F.DE.15 (1389) / PSB / 2023 / 4678-4683

Dated: 24/05/23

ORDER

WHEREAS, **Prabhu Dayal Public School, Dakshini Block-A, Shalimar Bagh, New Delhi-110088 (School ID-1309194)** (hereinafter referred to as "**the School**"), run by the **Roop Nagar Public School Society** (hereinafter referred to as "**Society**"), is a private unaided school recognized by the Directorate of Education, Govt. of NCT of Delhi (hereinafter referred to as "**DoE**"), under the provisions of Delhi School Education Act & Rules, 1973 (hereinafter referred to as "**DSEAR, 1973**"). The School is statutorily bound to comply with the provisions of the DSEAR, 1973 and RTE Act, 2009, as well as the directions/guidelines issued by the DoE from time to time.

AND WHEREAS, every school is required to file a full statement of fees every year before the ensuing academic session under section 17(3) of the Delhi School Education Act, 1973 (hereinafter read as '**the Act**') with the Director. Such statement will indicate estimated income of the school derived from fees, estimated current operational expenses towards salaries and allowances payable to employees etc in terms of Rule 177(1) of the Delhi School Education Rules, 1973 (hereinafter read as '**the Rules**').

AND WHEREAS, as per section 18(5) of the DSEAR, 1973 read with sections 17(3), 24 (1) and Rule 180 (3) of the above DSEAR, 1973, responsibility has been conferred upon the DoE to examine the audited financial statements, books of accounts and other records maintained by the school at least once in each financial year. Sections 18(5) and 24(1) and rule 180 (3) of DSEAR, 1973 have been reproduced as under:

Section 18(5): *'the managing committee of every recognized private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed'*

Section 24(1): *'every recognized school shall be inspected at least once in each financial year in such manner as may be prescribed'*

Rule 180 (3): *'the account and other records maintained by an unaided private school shall be subject to examination by the auditors and inspecting officers authorized by the Director in this behalf and also by officers authorized by the Comptroller and Auditor-General of India'*.

Thus, the Director (Education) has the authority to examine the full statement of fees filled under section 17(3) of the DSEA, 1973 and returns and documents submitted under section 18(5) of DSEA, 1973 read with rule 180 (1) of DSER, 1973.

AND WHEREAS, besides the above, the Director (Education) is also required to examine and evaluate the fee increase proposal submitted by the private unaided recognized schools which have been allotted land

by the DDA/ other land-owning agencies with the condition in their allotment to seek prior approval from Director (Education) before any increase in fee.

AND WHEREAS, the Hon'ble Supreme Court in the judgment dated 27.04.2004 held in Civil Appeal No. 2699 of 2001 titled Modern School Vs. Union of India and others has conclusively decided that under sections 17(3), 18(4) read along with rules 172, 173, 175 and 177, the DoE has the authority to regulate the fees and other charges, with the objective of preventing profiteering and commercialization of education.

AND WHEREAS, it was also directed by the Hon'ble Supreme Court, that the DoE in the aforesaid matter titled Modern School Vs. Union of India and Others in paras 27 and 28 that in the case of private unaided schools situated on the land allotted by DDA/other land-owning agencies at concessional rates:

"27 (c) It shall be the duty of the Director of Education to ascertain whether terms of allotment of land by the Government to the schools have been complied with...

28. We are directing the Director of Education to look into the letters of allotment issued by the Government and ascertain whether they (terms and conditions of land allotment) have been complied with by the schools.....

.....If in a given case, Director finds non-compliance of above terms, the Director shall take appropriate steps in this regard."

AND WHEREAS, the Hon'ble High Court of Delhi vide its judgement dated 19.01.2016 in writ petition No. 4109/2013 in the matter of Justice for All versus Govt. of NCT of Delhi and Others, has reiterated the aforesaid directions of the Hon'ble Supreme Court and has directed the DoE to ensure compliance of terms, if any, in the letter of allotment regarding the increase of the fee by recognized unaided schools to whom land has been allotted by DDA/ other land-owning agencies.

AND WHEREAS, accordingly, the DoE vide Order No. F.DE.-15(40)/PSB/2019/4440-4412 dated 08.06.2022, directed all the private unaided recognized schools, running on the land allotted by DDA/other land-owning agencies at concessional rates or otherwise, with the condition to seek prior approval of DoE for increase in fee, to submit their proposals, if any, for prior sanction, for increase in fee for the academic session 2022-23.

AND WHEREAS, in pursuance to Order dated 08.06.2022 of the DoE, the School submitted its proposal for enhancement of fee for the academic session 2022-23. Accordingly, this Order dispenses the proposal for enhancement of fee submitted by school for the academic session 2022-23.

AND WHEREAS, in order to examine the proposals submitted by the schools for fee increase for justifiability or not, the DoE has deployed teams of Chartered Accountants at HQ level who has evaluated the fee increase proposals of the school carefully in accordance with the provisions of the DSEAR, 1973, and other Orders/ Circulars issued from time to time by the DoE.

AND WHEREAS, in the process of examination of the fee increase proposal filed by the aforesaid

school, necessary records and explanations were called from the school through email. The school was also provided an opportunity to be heard on 11.10.2022, to present its justifications/clarifications on the fee increase proposal. Based on the discussion, the school was asked to submit necessary documents and clarification on various issues noted and discussed during the aforesaid personal hearing. During personal discussion, compliance of Order No. F.DE.-15(671)/PSB/2022/4150-4154 dated 03.06.2022 issued to the school post evaluation of the fee increase proposal for FY 2019-20 were also discussed and the school's submissions were taken on record.

AND WHEREAS, on receipt of further clarifications/ documents as well as the documents uploaded by the school on the web portal of the department, as a result of the personal hearing, were evaluated by the team of Chartered Accountants and key suggestions noted for improvement by the school are hereunder:

A. Financial Suggestions for Improvement:

1. As per clause 2 of Public Notice dated 04.05.1997, *"it is the responsibility of the Society who has established the school to raise such funds from their own sources or donations from the other associations because the immovable property of the school becomes the sole property of the Society"*. Additionally, Clause (vii) (c) of Order No. F.DE/15/Act/2K/243/KKK/ 883-1982 dated 10.02.2005 issued by DoE states that *"Capital expenditure cannot constitute a component of the financial fee structure."*

Further, Rule 177 of DSER, 1973 states *"Income derived by an unaided recognized School by way of fees shall be utilized in the first instance, for meeting the pay, allowances and other benefits admissible to the employees of the school. Provided that, savings, if any, from the fees collected by such School may be utilized by its management committee for meeting capital or contingent expenditure of the School, or for one or more of the following educational purposes, namely award of scholarships to students, establishment of any other recognized School, or assisting any other School or educational institution, not being a college, under the management of the same Society or trust by which the first mentioned School is run"*.

Further, the aforesaid savings shall be arrived at after providing for the following, namely:

- a) Pension, gratuity and other specified retirement and other benefits admissible to the employees of the school.
- b) The needed expansion of the school or any expenditure of a developmental nature.
- c) The expansion of the school building or for the expansion or construction of any building or establishment of hostel or expansion of hostel accommodation.
- d) Co-curricular activities of the students.
- e) Reasonable reserve fund, not being less than ten percent, of such savings.

As per Clause 14 of Order No. F.DE. /15(56)/Act/2009/778 dated 11.02.2009 and Clause 7 of Order No. DE 15/Act/Duggal.com/203/99/23033-23980 dated 15.12.1999 stated *"Development fee, not exceeding 15% of the total annual tuition fee may be charged for supplementing the resources for purchase, up gradation and replacement of furniture, fixtures and equipment. Development fee, if required to be charged, shall be treated as capital receipt and shall be collected only if the school is maintaining a Depreciation Reserve Fund, equivalent to the depreciation charged in the revenue accounts and the collection under this*

head along with income generated from the investment made out of this fund, will be kept in a separately maintained Development Fund Account."

Therefore, based on the above-mentioned provisions, the cost relating to land and construction of the school building should be borne by the society running the school and school funds, i.e., fees collected from the students should not be used for the purchase of land and construction of the school building. In this regard, it is also important to mention that society was allotted an institutional land at lower cost compared to the price of commercial and residential land in nearby location. The reason for allotment of land at very low cost was the society came up with the offer to do noble work in the field of education and run the school in Delhi on charity and on a "no profit and no loss" basis. In its offer society also undertook to execute this work from its resources or by arranging funds through donations, subscriptions, or any other legal possible manner. Based on the noble grounds, the DoE had recommended to the land-owning agencies for allotment of land to society which would otherwise not be possible for the society to have such a prime land at this cost in such posh location.

Accordingly, if the DoE finds any deviation or non-compliance in any condition of land allotment letter, the society as well as the school are bound to comply and honour that immediately as per the direction of the DoE. Society cannot always claim the protection of Article 19(1)(g), 21 & 30 of the Constitution of India for non-interference by the DoE. Because the main source (i.e., land) which was required to establish and run the school was supported by DoE by recommending to land owning agency to allotment the land to the society. After considering the recommendation of the DoE, a clause was included in the land allotment letter of the school that the school shall not increase the fee without the prior sanction of the Director (Education) and shall follow the provisions of the Delhi School Education Act/Rules, 1973 and other instructions issued by the department from time to time.

The DoE, in its Order No. F.DE.- 15(671)/PSB/2022/4150-4154 dated 03.06.2022 issued to the school post-evaluation of the proposal for enhancement of fee for FY 2019-2020, noted that, the school had utilized school funds/development funds of INR 13,73,602, INR 8,79,332 and INR 5,06,812 for playground, music room and science lab in FY 2016-17, 2017-18 and FY 2018-19 respectively. It was also noted that the above expenditure was incurred without complying with the provisions of Rule 177 of the DSER, 1973. Accordingly, the school was directed to recover INR 27,59,746 i.e. (INR 13,73,602 plus INR 8,79,332 plus INR 5,06,812) from society, which is still pending for recovery.

Therefore, the school is once again directed to recover INR 27,59,746 i.e. (INR 13,73,602 plus INR 8,79,332 plus INR 5,06,812) from the society within 30 days from the date of issue of this order and pass the necessary rectification in its books of account with respect to the unsecured loan taken from society.

2. Clause (vii) (c) of Order No. F.DE/15/Act/2K/243/KKK/ 883-1982 dated 10.02.2005 issued by this Directorate states "*Capital expenditure cannot constitute a component of the financial fee structure.*"

The DoE, in its Order No. F.DE. - 15(671)/PSB/2022/4150-4154 dated 03.06.2022 issued to the school post-evaluation of the proposal for enhancement of fees for FY 2019-2020, noted that the school had purchased a bus for INR 12,14,342 in FY 2017-18 out of the school fees collected from the students. It was also noted that the school had incurred the above expenditure without complying with the provisions of

Rule 177 of the DSER, 1973. Therefore, the school was directed to recover INR 12,14,342 from society, which is still pending for recovery.

Post personal hearing the school submitted that *"The aforesaid cars which is used by school staff & students for any of the school purposes like medical emergencies, used by functionaries for going to departments, day to day functioning, among numerous others. Hence the addition of INR 12,14,342 to fund position needs to be reconsidered"*.

In view of the above submission by the school, it appears that the school does not understand the requirement of Rule 177 of the DSER, 1973. Rule 177 (1) of the DSER, 1973, clearly states that *"Income derived by an unaided, utilized school by way of fees shall be utilized in the first instance, for meeting the pay, allowances, and other benefits admissible to the employees of the school."* However, from the record submitted by the school, it was noted that the school has not invested an amount equivalent to the liability for payment of retirement benefits.

Accordingly, the above expenditure of INR 12,13,342 has been considered while calculating the fund position of the school, with the direction to the school to recover this amount from society within 30 days from the date of issue of this order. Non-compliance with the above direction will be reviewed seriously, and appropriate action against the school under Section 24(4) of the DSEA, 1973, will be taken without giving any further opportunity.

3. Rule 59 of DSEAR, 1973 'Scheme of management of recognized school' states *"Regarding appointment and qualification of Manager 59(2)(i), the educational and other qualifications of the manager and his duties and responsibilities; the position of the manager viz-a-viz the managing committee:*
- (j) no employee of an aided school (other than the head of school) shall be appointed as the manager, the head of school may be appointed the manager of a school, whether aided or unaided.
 - (k) appointment of the manager; the terms and conditions of his appointment; removal of the manager; filling up of casual vacancy in the office of the manager, duties, and responsibilities of the manager.
 - (l) bills (including bills relating to the salaries and allowances of the teachers and non- teaching staff) shall be jointly signed by the manager and the head of the school; but where the head of the school is also the manager, such bills shall be signed jointly by the head of the school and another member of the managing committee specially authorized by that committee in this behalf.
 - (m) that the administration and academic work of the school shall be attended to by the head of school, and except where the head of school is the manager, the manager shall not interfere with the day-to-day administration and academic work of the school.
 - (r) manager shall not be at the same time the manager of any other school and a person shall not be at the same time the chairman of the managing committee and the manage.

As per clause 8 of the order No. DE.15/Act/Duggal.com/203/99/23033-23980 dated 15.12.1999 and clause No. 23 of order no- F.DE/15(56)/Act/ 2009/778 dated 11.02.2009, *"no amount whatsoever shall be transferred from the recognized unaided fund/ school fund to a society or trust or any other institution"*. This was upheld by the Hon'ble Supreme Court in the matter of Modern School Vs. Union of India & Others.



The DoE in its Order No. F.DE.- 15(671)/PSB/2022/4150-4154 dated 03.06.2022 issued to the school post evaluation of fee increase proposal for academic session 2019-20, noted that the school had paid honorarium of INR 35,21,676 during FY 2016-17 to FY 2018-19 to the manager of the school which was not in accordance with above mentioned provisions. The aforesaid expenditure was incurred without complying with the aforesaid provisions of DSER, 1973. Therefore, the school was directed to recover INR 35,21,676 from society which is still pending for recovery. Post personal hearing the school submitted that *"the aforesaid honorarium amount was paid to her for providing services to school."*

As per the above provision, the post of the manager is the honorary post, and they cannot be treated as an employee of the school. Therefore, no amount whatsoever can be paid to them out the school funds. Thus, the claim of the school that the aforesaid payment was made to the manager was honorarium and for the proving the service to the school is not correct.

On review of documents submitted by the school were taken on record and noted that school had paid INR 33,11,404 i.e. *(INR 13,40,196 plus INR 8,26,456 plus INR 11,44,752)* to the manager for FY 2019-20 to 2021-22.

Accordingly, the total amount of INR 68,33,080 i.e. *(INR 35,21,676 plus INR 13,40,196 plus INR 8,26,456 plus INR 11,44,752)* paid by the school to the manager as a honorarium without complying with above mentioned provisions has been considered as fund available with the school while calculating the fund position of the school with the direction to the school to recover this amount from the society within 30 days from the date of issue of this order. Non-compliance with the above direction shall be viewed seriously in accordance with the provisions of Section 24(4) of the DSEA, 1973 while evaluating the fee increase proposal for the subsequent academic session.

4. As per AS-15 on 'Employee Benefits' issued by the Institute of Chartered Accountants of India (ICAI) states that *"Accounting for defined benefit plans is complex because actuarial assumptions are required to measure the obligation and the expense and there is a possibility of actuarial gains and losses."* Further, the Accounting Standard defines Plan Assets (the form of investments to be made against liability towards retirement benefits) as:
- a) Assets held by a long-term employee benefit fund; and
 - b) Qualifying insurance policies

Para 57 of AS-15 states that *"An enterprise should determine the present value of defined benefit obligations and the fair value of any plan assets with sufficient regularity that the amounts recognized in the financial statements do not differ materially from the amounts that would be determined at the balance sheet date."*

Review of the audited financial statements of FY 2021-22 revealed that the school has recorded liability for retirement benefits in accordance with the actuarial valuation report. As per the actuarial valuation report the total liability for retirement benefits were INR 10,53,33,468 i.e. *(INR 7,74,85,736 for gratuity and INR 2,78,47,732 for leave encashment).*



Against the total liability for retirement benefits, the school has invested INR 1,57,47,291 with LIC. As investment with the LIC qualify as plan asset within the meaning of AS-15. Therefore, amount invested by the school with LIC has been considered while deriving the fund position of the school with the direction to the school to invest the remaining amount in plan assets within 30 days from the date of issue of this order.

5. As per clause 3 of the public notice dated 04.05.1997 published in the Times of India states *"No security/ deposit/ caution money be taken from the students at the time of admission and if at all it is considered necessary, it should be taken once and at the nominal rate of INR 500 per student in any case, and it should be returned to the students at the time of leaving the School along with the interest at the bank rate."*

Further, Clause 18 of Order no F.DE/15(56)/Act/2009/778 dated 11.02.2009 states *"No caution money/security deposit of more than five hundred rupees per student shall be charged. The caution money, thus collected shall be kept deposited in a scheduled bank in the name of the concerned School and shall be returned to the student at the time of his/her leaving the School along with the bank interest thereon irrespective of whether or not he/she requests for refund."*

On review of audited financial statement for the FY 2019-20 to 2021-22, it has been noted that the school has been refunding only principal amount of caution money to the student at the time of leaving from the school, which is not in accordance with clause 18 of Order No. F.DE/15 (56) /Act /2009 / 778 dated 11.02.2009. Therefore, the school is hereby directed to refund the caution money to the student along with accrued interest earned thereon.

Further, review of the audited financial statements for FY 2021-22, it was noted that the school has reported INR 4,36,500 towards caution money refundable which has been considered while calculating the fund position of the school.

B. Other Suggestions for Improvement:

1. Para 99 of Guidance Note on Accounting by Schools (2005) issued by the Institute of Chartered Accountants of India *"Where the fund is meant for meeting capital expenditure, upon incurrence of the expenditure, the relevant asset account is debited which is depreciated as per the recommendations contained in this Guidance Note. Thereafter, the concerned restricted fund account is treated as deferred income, to the extent of the cost of the asset, and is transferred to the credit of the income and expenditure account in proportion to the depreciation charged every year."*

From the review of the presentation of the audited financial statements of FY 2021-22, it has been noted that upon purchase of assets out of the development funds, the school transfers an amount equivalent to the cost of the assets to "Development fund utilized". However, the school did not writes off in the proportion of depreciation charged on the assets purchased out of development funds. As a result, the closing balances of the development fund utilized account and the depreciation reserve fund do not correspond to the cost of assets purchased with development funds. Therefore, the school is hereby directed to rectify its accounting from the next financial year onward. The compliance with respect to this submission shall be

verified while evaluating the fee increase proposal of the next academic session.

2. *Section 18(5) of the DSEA, 1973 states "the managing committee of every recognized private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such returns shall be audited by such authority as may be prescribed".*

Further, Rule 180 (1) of DSER, 1973 states "every recognized private school shall submit returns and documents in accordance with Appendix-II".

Point No. (2) of the Appendix-II requires final accounts i.e., receipts and payments account, income and expenditure account and balance sheet of the preceding year should be duly audited by the Chartered Accountant.

Accordingly, DoE specified vide Order No. F.DE-15/ACT-I/WPC-4109/Part/13/7905-7913 dated 16.04.2016, the format of returns and other documents required to be submitted by the private unaided recognized schools. The aforesaid order also specified format for the financial statements to be such as specified by the Institute of Chartered Accountants of India (ICAI), established under Chartered Accountants Act, 1949 (38 of 1949) in Guidance Note-21 'Accounting by Schools (2005)' as amended from time to time.

In view of the above, every private unaided recognized school is required to get its accounts audited by a Chartered Accountant before submitting a return under Rule 180(1) of DSER, 1973. However, the school didn't submit the independent auditor reports for FY 2019-20 and FY 2021-22.

Therefore, the school is hereby directed to provide complete set of audited financial statements as financial statement without audit report has not been considered as complete set of audited financial statement. However, the compliance with this direction shall be verified while evaluating the fee increase proposal of the subsequent year and the financial statements submitted by the school for FY 2019-20, FY 2020-21 and FY 2021-22 has been considered in the evaluation of fee increase proposal.

3. From a review of documents submitted by the school post personal hearing, the following has been noted with respect to the Fixed Asset Register (FAR) maintained by the school:

- No tagging of the assets has been done in Fixed Assets Register (FAR) and location is not identified due to which assets could not be physically verified.
- Depreciation for the individual assets is not recorded in the FAR, only cost of the assets is available in the FAR and WDV of the assets is not available.
- Invoice number, manufacturer's serial number and location of the asset is not mentioned in the fixed assets register.

Therefore, the School is hereby directed to prepare a FAR, which should include details such as asset description, purchase date, supplier name, invoice number, manufacturer's serial number, location, purchase cost, other costs incurred, depreciation, asset identification number, etc. to facilitate identification of asset and documenting complete details of assets at one place. The school is further

directed to comply with the directions for preparing FAR with relevant details mentioned above according to the process for periodic physical verification of assets and documenting the results of physical verification of assets. The same shall be verified at the time of evaluation of the fee increase proposal for subsequent years. This being a procedural finding, no financial impact is warranted on the fund position of the school.

4. Clause 103 on Related Party Disclosure, contained in Guidance Note 21 on 'Accounting by Schools', issued by the ICAI, there is a requirement that keeping in the view the involvement of public funds, schools are required to disclose the transactions made in respect of related parties.

From review of the audited financial statements of 2022, it has been noted that the School has not made any disclosure relating to related party transactions in its audited financial statements. In the absence of such details, the purpose and genuineness of transactions entered into between the related parties cannot be determined. Therefore, the School is hereby directed to include such details in audited financial statements of the subsequent year.

After detailed examination of all the material on record and considering the clarification submitted by the school, it has been finally evaluated/ concluded that:

- i. The total funds available with the school for FY 2022-23 amounting to **INR 17,85,29,675** out of which the expected expenditures for FY 2022-23 to be **INR 18,39,44,000**. This results in net deficit of **INR 54,14,325** for the FY 2022-23. The details calculation is provided below:

Particulars	Amount (INR)
Cash and Bank balances as on 31.03.22 as per Audited Financial Statements	3,09,96,647
Investments as on 31.03.22 as per Audited Financial Statements	3,77,25,696
Liquid Funds as on 31.03.2022	6,87,22,343
Add: Fees for FY 2021-22 as per Audited Financial Statements (Refer Note No. 2 Below)	14,21,44,663
Add: Other income for FY 2021-22 as per audited Financial Statements (Refer Note No. 2 Below)	20,81,163
Add: Additional income of annual charges and development fund (Refer Note No. 2 Below)	42,02,000
Less: Arrears of Annual Charges and Development Fees for FY 2020-21 received in FY 2021-22 (Refer Note No. 2 Below)	2,19,96,091
Add: Recovery from society for amount spent on building construction (Refer Financial Suggestion No. 1)	27,59,746
Add: Recovery from society for amount spent on purchase of car (Refer Financial Suggestion No. 2)	12,14,342
Add: Recovery from society for salary payment to Manager (Refer Financial Suggestion No. 3)	68,33,080
Total Available Funds for FY 2022-23	20,59,61,246
Less: FDs in the name of DoE & Manager as on 31.03.2022	-
Less: FDs in the name of CBSE & Manager as on 31.03.2022	5,35,779
Less: Investment made with LIC against provision made for retirement benefits (Refer Financial Suggestion No. 4)	1,57,47,291

Particulars	Amount (INR)
Less: Caution Money as on 31.03.2022 (Refer Financial Suggestion No. 5)	4,36,500
Less: Development Fund as per Audited Financial Statements of FY 31.03.2022 (Refer Note No. 3 below)	1,07,12,001
Less Depreciation reserve fund as on 31.03.2022 (Refer Note No. 4 Below)	-
Net Available Funds for FY 2022-23 - (A)	17,85,29,675
Less: Budgeted Expenditure for FY 2022-23 (Refer Note No. 5 and 6 Below)	18,39,44,000
Less: Arrears of 7th CPC as provided by the school (Refer Note No. 7 Below)	-
Total Estimated Expenditure for FY 2022-23 - (B)	18,39,44,000
Net Deficit (A-B)	54,14,325

Note 1: The detail of fixed deposit held by the school as per the audited financial statements of FY is provided below.

S. No	Particulars	Amount (INR)	Remarks
1	LIC Investment	1,57,47,291	Considered separately.
2	FDR in Joint name of CBSE and Directorate of Education	5,35,779	
3	Development Fund Deposit	2,65,155	
4	FDR for scholarship	7,385	Part of the funds position as it is available with the school for utilization
5	FDR In the name of school	13,79,436	
6	Leave Encashment Fund - FDR	17,65,225	
7	Gratuity Encashment Fund - FDR	1,80,25,425	
	Total	3,77,25,696	

Note 2: The Department vide its Order No.F.No.PS/DE/2020/55 dated 18.04.2020 and Order No.F.No.PS/DE/2020/3224-3231 dated 28.08.2020 had issued guidelines regarding the chargeability of fees during the pandemic COVID 2019. The department in both the above-mentioned orders directed to the management of all the private schools not to collect any fee except the tuition fee irrespective of the fact whether running on the private land or government land allotted by DDA/other land-owning agencies and not to increase any fee in FY 2020-21 till further direction.

The department in pursuance of the order dated 31.05.2021 in WPC 7526/2020 of Single Bench of the Hon'ble High Court of Delhi and interim order dated 07.06.2021 in LPA 184/2021 of the Division Bench of Hon'ble High Court of Delhi and to prevent the profiteering and commercialization, again directed to the management of all the petitioners private unaided recognized schools through its Order No. F. No. DE.15 (114) /PSB /2021 /2165-2174 dated 01.07.2021:

- (i) To collect annual school fee (only all permitted heads of fees) from their students as fixed under the DSEAR,1973 for the academic year 2020-21, but by providing deduction of 15% on that amount in lieu of unutilized facilities by the students during the relevant period of academic year 2020-21". And if the school has collected the fee in excess to the direction issued by the Hon'ble Court, the same shall be refunded to the parents or adjusted in the subsequent month of fee or refund to the parents.

- (ii) The amount so payable by the concerned students be paid in six equal monthly instalments w.e.f. 10.06.2021.

From review of the audited financial statements of FY 2021-22 and based on the further information provided by the school, it has been noted that the school has reported 85% of the annual charges and development charges in its audited financial statements of FY 2021-22. Therefore, the income collected by the school during the FY 2021-22 with respect to annual charges and development fee has been grossed up in order to make comparative income with the FY 2022-23. The detailed calculation has been provided below:

Particulars	Income as per AFS of FY 2021-22	Income Considered for the FY 2022-23	Remarks
Tuition Fee	8,96,55,746	8,96,55,746	
Annual Charges	1,47,06,131	1,73,01,331	The school recorded 85% of the income in the audited financial statements. Therefore, it has been grossed up.
Development fund	91,05,201	1,07,12,001	

Similarly, the arrears of FY 2020-21 of annual charges and development fund amounting to INR 2,19,96,091 received in FY 2021-22 has been excluded while calculating the fund position of the academic session 2022-23.

Note 3: The Supreme Court in the matter of Modern School held that development fees for supplementing the resources for purchase, upgradation and replacements of furniture and fixtures and equipment can be charged from students by the recognized unaided schools not exceeding 15% of the total annual tuition fee. Further, the Directorate's circular no. 1978 dated 16.04.2010 states "All schools must, first of all, explore and exhaust the possibility of utilizing the existing funds/ reserves to meet any shortfall in payment of salary and allowances, as a consequence of increase in the salary and allowance of the employees. A part of the reserve fund which has not been utilized for years together may also be used to meet the shortfall before proposing a fee increase." Over the number of years, the school has accumulated development fund and has reflected the closing balance of Rs. 5,37,56,410 in its audited financial statements of FY 2021-22. However, while evaluating the fund position the development fund fees received in academic session 2021-22 amounting to INR 1,07,12,001 has been considered.

Note 4: As per the Duggal Committee report, there are four categories of fees that can be charged by a private unaided School. The first category of fee comprised of "Registration fee and all one Time Charges" levied at the time of admissions such as admission and caution money. The second category of fee comprises 'Tuition Fee' which is to be fixed to cover the standard cost of the establishment and to cover the expenditure of revenue nature for the improvement of curricular facilities like library, laboratories, science, and computer fee up to class X and examination fee. The third category of the fee should consist of 'Annual Charges' to cover all expenditure not included in the second category and the fourth category consist of all 'Earmarked Levies' for the services rendered by the school and be recovered only from the 'User' students. These charges are transport fee, swimming pool charges, Horse riding, tennis, midday meals etc. This recommendation has been considered by the Directorate while issuing order No. DE.15/Act/Duggal.com/203/99/23033-23980 dated 15.12.1999 and order No. F.DE./15(56)/Act/2009/778 dated 11.02.2009.



The purpose of each head of the fee has been defined and it is nowhere defined the usage of development fee or any other head of fee for investments against depreciation reserve fund.

Further, Clause 7 of order No. DE.15/Act/Duggal.com/203/99/23033-23980 dated 15.12.1999 and clause 14 of the order no F.DE./15(56)/Act/2009/778 dated 11.02.2009, “development fee, not exceeding 15% of the total annual tuition fee may be charged for supplementing the resources for purchase, upgradation and replacement of furniture, fixture and equipment. Development fee, if required to be charged, shall be treated as capital receipt and shall be collected only if the school is maintaining a Depreciation Reserve Fund, equivalent to the depreciation charged in the revenue accounts and the collection under this head along with and income generated from the investment made out of this fund will be kept in a separately maintained Development Fund Account”. Thus, the above direction provides for:

- Not to charge development fee for more than 15% of tuition fee.
- Development fee will be used for purchase, upgradation and replacement of furniture, fixtures, and equipment.
- Development fee will be treated as capital receipts.
- Depreciation reserve fund is to be maintained.

Thus, the creation of the depreciation reserve fund is a pre-condition for charging of development fee, as per above provisions and the decision of Hon’ble Supreme court in the case of Modern School Vs Union of India & Ors.: 2004(5) SCC 583. Even the Clause 7 of the above direction does not require to maintain any investments against depreciation reserve fund. Also, as per para 99 of Guidance Note-21 ‘Accounting by School’ issued by the Institute of Chartered Accountants of India states “Where the fund is meant for meeting capital expenditure, upon incurrence of the expenditure, the relevant asset account is debited which is depreciated as per the recommendations contained in this Guidance Note. Thereafter, the concerned restricted fund account is treated as deferred income, to the extent of the cost of the asset, and is transferred to the credit of the income and expenditure account in proportion to the depreciation charged every year.”

Accordingly, the depreciation reserve (that is to be created equivalent to the depreciation charged in the revenue account) is mere of an accounting head for the appropriate accounting treatment of depreciation in the books of account of the school in accordance with Guidance Note -21 issued by the Institute of Chartered Accountants of India. Thus, there is no financial impact of depreciation reserve on the fund position of the school. Accordingly, the depreciation reserve fund has not been considered while deriving the fund position of the school.

Note 5: All budgeted expenditure proposed by the school has been considered while deriving the fund position of the school except the followings:

Heads	Proposed Amount (INR)	Amount Disallowed	Reasons
Transport Staff-Salaries	39,00,000	39,00,000	Neither income nor expenditure related to transport facility has been considered.
Transport Expenses-Repair & Maintenance	52,00,000	52,00,000	

Note 6: While evaluating the fee increase proposal, the department considers how much liquid funds schools would require for a particular session for smooth operation without compromising the quality of education. Thus, while deriving the fund position of the school, all legitimate revenue as well as capital nature expenditures in accordance with the provisions of DESAR, 1973 and the pronouncement of Courts judgment have been considered. Therefore, the balance of the other current assets and other current liabilities has not been considered because these are cyclic in nature, as the same would have been part of the budgeted income and expenditure of the school in earlier years. Although it is reflected in the financial statements at the end of the financial year.

Note 7: Based on the documents submitted by the school, it has been noted that the school has implemented the recommendation of 7th CPC w.e.f. April'2019. Since, the school has already implemented the recommendation of 7th CPC, the salary expenditure reported by the school in the audited financial statements of FY 2019-20, FY 2020-21 and FY 2021-22 is inclusive of 7th CPC. Further, the school has not reported any amount as arrears payable in its audited financial statements for the FY 2021-22. Hence, no 7th CPC salary arrears has been considered while calculating the fund position of the school.

- ii. In view of the above examination, it is evident that the school does not have adequate funds for meeting all the operational expenditures for the FY 2022-23. In this regard, the directions issued by the Directorate of Education vide circular no. 1978 dated 16 April 2010 states.

"All schools must, first of all, explore and exhaust the possibility of utilizing the existing funds/ reserves to meet any shortfall in payment of salary and allowances, as a consequence of increase in the salary and allowance of the employees. A part of the reserve fund which has not been utilized for years together may also be used to meet the shortfall before proposing a fee increase."

AND WHEREAS, in the light of above evaluation which is based on the provisions of DSEA, 1973, DSER, 1973, guidelines, orders and circulars issued from time to time by this Directorate, it was recommended by the team of Chartered Accountants along with certain financial suggestions that were identified (appropriate financial impact has been taken on the fund position of the school) and certain procedural suggestions which were also noted (appropriate instructions against which have been given in this order), that the sufficient funds are not available with the School to carry out its operations for the academic session 2022-23. Accordingly, the fee increase proposal of the school may be accepted.

AND WHEREAS, it is noticed that the school has paid INR 1,08,07,168 towards construction of playground, purchase of cars and payment of honorarium to manager incurred in contravention of the provisions of DSEAR, 1973 and other orders issued by the departments from time to time. Therefore, the school is directed to recover the aforesaid amount from society/ management. The receipts along with copy of bank statements showing receipt of the above-mentioned amount should be submitted with DoE, in compliance of the same, within 30 days from the date of issue of this order. Non-compliance with this direction shall be viewed seriously as per the provision of DSEAR, 1973 without providing any further opportunity of being heard.

AND WHEREAS, considering the financial situation and existing deficiencies and keeping in view that salary and other employee's benefits can be paid to the teachers and staff smoothly, the fee increase is allowed to the school with the suggestions for improvement. The school is hereby further directed that the additional income received on account of increase fee should be utilized at first instance only for payment of salary and salary arrears and submit the compliance report within 30 days from the date of issue of this order.

AND WHEREAS, it is relevant to mention charging of any arrears on account of fee for several months from the parents is not advisable, not only because of the additional sudden burden fall upon the parents/students but also as per the past experience, the benefit of such collected arrears is not passed to the teachers and staff in most of the cases as was observed by the Justice Anil Dev Singh Committee (JADSC) during the implementation of the 6th CPC. Keeping this in view, and exercising the powers conferred under Rule 43 of DSER, 1973, the Director (Education) has accepted the proposal submitted by the school and allowed an increase in fee by 5% to be effective from 01 October 2022.

AND WHEREAS, recommendation of the team of Chartered Accountants along with relevant materials were put before the Director of Education for consideration and who after considering all the material on the record, and after considering the provisions of section 17 (3), 18(5), 24(1) of the DSEA, 1973 read with Rules 172, 173, 175 and 177 of the DSER, 1973 has found that funds are available with the school for meeting financial implication for the academic session 2022-23. Hence, for smooth payment of salaries and other employee's benefit, the fee increase is required to the school.

AND WHEREAS, the school is directed, henceforth to take necessary corrective steps on the financial and other suggestion noted during the above evaluation process and submit the compliance report within 30 days from the date of issue of this order to the D.D.E (PSB).

Accordingly, it is hereby conveyed that the proposal for fee increase of **Prabhu Dayal Public School, Dakshini Block-A, Shalimar Bagh, New Delhi- 110088 (School ID-1309194)** filled by the school in response to the Order No. F.DE.-15(40)/PSB/2019/4440-4412 dated 08.06.2022 for the academic session 2022-23, is accepted by the Director (Education) with the above conclusion and suggestions and the school is hereby allowed to increase the fee by 5% to be effective from 1 October, 2022.

Further, the management of said School is hereby directed under section 24(3) of DSEAR 1973 to comply with the following directions:

1. To increase the fee only by the prescribed percentage from the specified date.
2. To ensure payment of salary is made in accordance with the provision of Section 10(1) of the DSEA, 1973. Further, the scarcity of funds cannot be the reason for non-payment of salary and other benefits admissible to the teachers/ staffs in accordance with section 10 (1) of the DSEA, 1973. Therefore, the Society running the school must ensure payment to teachers/ staffs accordingly.
3. To utilize the fee collected from students in accordance with the provisions of Rule 177 of the DSER, 1973 and orders and directions issued by this Directorate from time to time.



Non-compliance of this order or any direction herein shall be viewed seriously and will be dealt with in accordance with the provisions of section 24(4) of Delhi School Education Act, 1973 and Delhi School Education Rules, 1973.

This is issued with the prior approval of the Competent Authority.

Nandini

(Nandini Maharaj)
Additional Director of Education
(Private School Branch)
Directorate of Education, GNCT of Delhi

To
The Manager/ HoS
Prabhu Dayal Public School, (School ID-1309194)
Dakshini Block-A,
Shalimar Bagh, New Delhi- 110088

No. F.DE.15 (1389)/PSB/2023 / 4678-4683

Dated: 24/05/23

Copy to:

1. P.S. to Secretary (Education), Directorate of Education, GNCT of Delhi.
2. P.S. to Director (Education), Directorate of Education, GNCT of Delhi.
3. DDE (North West-A) to ensure the compliance of the above order by the School Management.
4. DE's nominee concerned.
5. In-charge (I.T Cell) with the request to upload on the website of this Directorate.
6. Guard file.

✓

Nandini

(Nandini Maharaj)
Additional Director of Education
(Private School Branch)
Directorate of Education, GNCT of Delhi