

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

No. F.DE.15(1113)/PSB/2022/ 438-442

Dated: 16/01/23

**Order**

WHEREAS, Modern Era Convent School, B- 1 Block Janakpuri New Delhi – 110059 (School ID: 1618188), (hereinafter referred to as “the School”), run by the Modern Montessori School Education Society (hereinafter referred to as the “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 DSEAR, 1973 with the Directorate. Such statement is required to indicate estimated income of the school to be derived from fees, estimated current operational expenses towards salaries and allowances payable to employees etc. in terms of rule 177(1) of the DSEAR, 1973.

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 to 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 recognised 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 recognised 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 authorised by the Director in this behalf and also by officers authorised by the Comptroller and Auditor-General of India.’*

AND WHEREAS, besides the above, 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 fee 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 in case of private unaided schools situated on the land allotted by DDA at concessional rates that:



"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/ land owning agencies.

AND WHEREAS, accordingly, the DoE vide order No. F.DE.15 (40)/PSB/2019/4440-4412 dated 08.06.2022, directing all the private unaided recognized schools, running on the land allotted by DDA/other land-owning agencies on 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 the school for the academic session **2022-23**.

AND WHEREAS, in order to ensure that the proposals submitted by the schools for fee increase are justified or not, this Directorate has deployed teams of Chartered Accountants at HQ level who has evaluated the fee increase proposals of the school very carefully in accordance with the provisions of the DSEA, 1973, the DSER, 1973 and other orders/ circulars issued from time to time by this Directorate for fee regulation.

AND WHEREAS, in the process of examination of fee increase proposal filed by the aforesaid School for the academic session 2022-23, necessary records and explanations were also called from the school through email. Further, the school was also provided an opportunity of being heard on 10<sup>th</sup> October 2022 to present its justifications/ clarifications on fee increase proposal including audited financial statements and based on the discussion, school was further asked to submit necessary documents and clarification on various issues noted. During that hearing, the compliance of order no. F.DE.15(290)/PSB/2021/5208-5213 dated 13.12.2021 issued for the academic session 2019-20 was also discussed and the school submission were taken on record.

AND WHEREAS, on receipt of clarification as well as documents uploaded on the web portal for fee increase and subsequent documents submitted by the school as a result of the personal hearing, were evaluated thoroughly by the team of Chartered Accountants. After evaluation of fee proposal of the school and its subsequent clarifications and submissions, following key suggestions for improvement were noted:





#### A. Financial Suggestions for Improvement

1. 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.*"

Also, 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*".

Based on Directorate Order No. F.DE.15(290)/PSB/2021/5208-5213 dated 13.12.2021 issued post evaluation of fee increase proposal for academic session 2019-20, it was noted that the school had purchased a bus from school funds amounting to INR 14,24,486. After evaluating the income and expense towards transport service from the audited financial statements of the school for FY 2015-2016 to FY 2018-2019, it was noted that the school was charging transport fee, which was not even adequate to cover revenue (operating) expenses for providing the transport service to students.

Earmarked levies in the form of transport fee are to be charged on no-profit no-loss basis and the school was not able to recover the cost of bus from the transport fee collected from students indicating that the school has shifted the burden of capital cost of bus to all students, who are not even availing the transport service.

Accordingly, the school was directed to recover the amount spent on the purchase of bus of INR 14,24,486 from the society. However, the school has not complied with direction issued in the previous year order, therefore the school is again directed to comply with the directions included in orders above and therefore, the amount spent by the school on purchase of bus of INR 14,24,486 is hereby added to the fund position of the school considering the same as funds available with the school and with the direction to the school to recover this amount from the Society within 30 days from the date of this order.

2. The Hon'ble High Court of Delhi dated 19.01.2016 in WPC No. 4109/2013 in the matter of *Justice for All vs. GNCT of Delhi and others* indicated that every recognized private unaided school to whom land was allotted by DDA shall not increase the rate of fees without the prior sanction of Directorate (Education). Accordingly, the Directorate vide Order No. F.DE.15(40)/PSB/2019/2698-2707 dated 27.03.2019, directed all the Private Unaided Recognized Schools running on the land allotted by



DDA/other Govt. agencies on concessional rates or otherwise, with the condition to seek prior approval of Director of Education for increase in fee, are directed to submit their proposals, if any, for prior sanction for increase in fee for the session 2018-19 and 2019-20. Moreover, as per the directions of the Supreme Court in *Modern School vs. Union of India & ORs.* (supra), a Circular dated 16.04.2010 was issued reiterating as under:

- a) It is reiterated that annual fee-hike is not mandatory.
- b) School shall not introduce any new head of account or collect any fee thereof other than those permitted. Fee/funds collected from the parents/students shall be utilized strictly in accordance with rules 176 and 177 of the Delhi School Education Rules, 1973.
- c) If any school has collected fee in excess of that determined as per the procedure prescribed here-above, the school shall refund/adjust the same against subsequent instalments of fee payable by students.

Based , on review of the compliance of Directorate's Order No. F.DE.15(290)/PSB/2021/5208-5213 dated 13.12.2021 which was issued post evaluation of fee increase proposal for the academic session 2019-20, it was noted that school had increased development fee during FY 2017-18 to FY 2019-20 and annual fee during FY 2019-20 from students of all classes (PS to XII) without prior approval of the Directorate of Education, which was in the contravention of aforementioned orders/conditions. However, it is noted that the school has not complied with the directions given in the previous order and continued to charge the increased development fee of INR 2,000 and annual charge of INR 3,140 from all the students during academic session 2020-21 and 2021-22.

As school did not provide the total amount of increased fees collected from students during FY 2017-2018 to FY 2021-22. Therefore, exact amount of excess fee collected by school could not be derived on account of non-submission of requisite information by the school. Thus, the impact of the same was not reflected in the fund position of the school.

Based on above, the school is hereby again directed to calculate the excess fee/charges collected from students during FY 2017-2018 to FY 2021-22 and immediately refund/adjust the excess fee collected and submit the evidence of refund/adjustment to the Directorate within 30 days from the date of this order. Further, the school is directed for not to increase any fee/charge of any class without approval from the Directorate of Education.

3. Para 57 of Accounting Standard 15 (AS-15) 'Employee Benefits' issued by the Institute of Chartered Accountants of India 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."* Further, Para 7.14 defines the Plan Assets as:
  - (a) *Assets held by a long-term employee benefit fund; and*
  - (b) *Qualifying insurance policies.*

And Para 60 of Guidance Note-21 'Accounting by Schools' (2005) issued by the Institute of Chartered Accountants of India states *"A defined benefit scheme is a scheme under which amounts to be paid as retirement benefits are determined usually by reference to employee's earnings and/or years of service"*.



An appropriate charge to the income and expenditure account for a year should be made through a provision for accruing liability. The accruing liability should be calculated according to actuarial valuation. However, if the school employs only a few persons say less than 50, it may calculate the accrued liability by reference to any other rational method. The ensuing amount of provision for liability should then be invested in "Plan Assets" as per AS-15 issued by ICAI.

On review of the documents submitted by the school post personal hearing, it has been noted that the requirement of AS-15 is not applicable to the school as it employed less than 50 staff in a year. Further, the school had reported liability for gratuity amounting to INR 18,308,424 and INR 46,09,890 for leave encashment in the audited financial statements for FY 2021-22 in line with the actuarial valuation report as on 31<sup>st</sup> March 2022.

During personal hearing, the school further explained that it has not invested any amount in Plan Asset till March 2022, but it has invested INR 20,00,000 in the LIC on 10<sup>th</sup> October 2022 which can be utilized for payment of gratuity and leave encashment as and when required. Hence, the investment held by the school in the form of LIC qualifies as Plan Asset as per AS-15 issued by ICAI.

Accordingly, an amount of INR 20,00,000 has been considered while deriving the fund position of the school with the direction to the school to invest the remaining amount in plan asset in accordance with AS-15 and submit the compliance report within 30 days from the date of issue of this order.

4. Clause 14 of DoE's Order No. F.DE./15 (56) /Act /2009 / 778 dated 11.02.2009 states "*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 and income generated from the investment made out of this fund, will be kept in a separately maintained Development Fund Account.*"

Based on review of audited financial statements for FY 2021-22 revealed that the school has maintained a separate bank account, but it is not equivalent to the development fund balance presented in the audited financial statements at the year-end which is in contravention of aforesaid clause 14 of order dated 11.02.2009. It is noted that the balance of development fund is INR 55,11,154 as on 31<sup>st</sup> March 2022 but the school has only INR 44,30,952 in the bank against the development fund.

Therefore, the school is hereby directed to maintain equivalent bank balance against the development fund in accordance with clause 14 of the order dated 11.02.2009. Hence, while calculating the fund position of the school, development fund balance as on 31<sup>st</sup> March 2022 amounting to INR 55,11,154 has been considered while calculating the fund position of the school.

## **B. Other Suggestions for Improvement**

1. As per clause 2 included in the 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, Hon'ble High Court of Delhi in its judgement dated 30.10.1998 in the case of Delhi Abibhavak Mahasangh concluded that "*The tuition fee cannot be fixed to recover capital expenditure to be incurred on the properties of the society.*" Also, Clause (vii) (c) of Order No.





F.DE/15/Act/2K/243/KKK/ 883-1982 dated 10.02.02005 issued by this Directorate states *"Capital expenditure cannot constitute a component of the financial fee structure."*

Also, 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. The aforesaid savings shall be arrived at after providing for the following, namely:*

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

Accordingly, based on the above-mentioned public notice and judgement of the Courts, the cost relating to land and construction of the school building must be met by the society, being the property of the society and the school funds i.e., fee collected from students should not be utilized for the same.

From review of the audited financial statements for the FY 2021-22, it has been noted that the school has reported building value of INR 16,93,346 and land of INR 84,470 however, corresponding capital receipts/ corpus fund is not reflecting in the audited financial statements. Further, in the absence of detailed information about the source of funds, it cannot be determined how much money school received from the society to cover the cost of building and land.

In view of the above, the school is required to provide the information about the sources of funds used for construction of school building and acquisition of land. Information related to this shall be verified while evaluating the fee increase proposal of the subsequent year.

2. Clause 19 of Order No. F.DE. /15(56)/Act/2009/778 dated 11.02.2009 states *"The tuition fee shall be so determined as to cover the standard cost of establishment including provisions for DA, bonus, etc., and all terminal, benefits as also the expenditure of revenue nature concerning the curricular activities."*

Clause 21 of Order No. F.DE. /15(56)/Act/2009/778 dated 11.02.2009 states *"No annual charges shall be levied unless they are determined by the Managing Committee to cover all revenue expenditure, not included in the tuition fee and 'overheads' and expenses on play-grounds, sports equipment, cultural and other co-curricular activities as distinct from the curricular activities of the school."*





Clause 22 of Order No. F.DE /15(56)/ Act/2009/778 dated 1.02.2009 states *"Earmarked levies will be calculated and collected on 'no-profit no loss' basis and spent only for the purpose for which they are being charged."*

Clause 6 of Order No. DE 15/ Act/ Duggal.Com /203 /99 /23033-23980 dated 15.12.1999 states *"Earmarked levies shall be charged from the user student only."*

Rule 176 states *"Collections for specific purposes to be spent for that purpose' of the DSER, 1973 states "Income derived from collections for specific purposes shall be spent only for such purpose."*

Sub-rule 3 of Rule 177 of DSER, 1973 states *"Funds collected for specific purposes, like sports, co-curricular activities, subscriptions for excursions or subscriptions for magazines, and annual charges, by whatever name called, shall be spent solely for the exclusive benefit of the students at the concerned school and shall not be included in the savings referred to in sub-rule (2)."* Further, Sub-rule 4 of the said rule states *"The collections referred to in sub-rule (3) shall be administered in the same manner as the monies standing to the credit of the Pupils Fund as administered."*

Also, earmarked levies collected from the students are form of restricted funds, which, according to Guidance Note-21 'Accounting by Schools' issued by the Institute of Chartered Accountants of India, are required to be credited to a separate fund account when the amount is received and reflected separately in the Balance Sheet.

Further, the Guidance Note-21 lays down the concept of fund-based accounting for restricted funds, whereby upon incurrence of expenditure, the same is charged to the Income and Expenditure Account and a corresponding amount is transferred from the concerned restricted fund account to the credit of the Income and Expenditure Account.

From the information provided by the school post personal hearing, it has been noted that school charges earmarked levies in the form of Transportation fee from the students but has not maintained fund-based accounting. The surplus/deficit generated by the school from these earmarked levies in last three financial years are as under:

Particular	Transport Fee (Amount in INR)
<b>FY 2019-20</b>	
Fee collected during the year	17,15,075
Expenses during the year	19,33,507
<b>Difference for the year (A)</b>	<b>-2,18,432</b>
<b>FY 2020-21*</b>	
Fee collected during the year	59,550
Expenses during the year	15,66,314
<b>Difference for the year (B)</b>	<b>-15,06,764</b>
<b>FY 2021-22*</b>	
Fee collected during the year	72,800
Expenses during the year	16,45,549
<b>Difference for the year (C)</b>	<b>-15,72,749</b>
<b>Surplus/Deficit (A+B+C)</b>	<b>-32,97,945</b>



\*Transport fee not collected by the school during FY 2020-21 and FY 2021-22.

The school is directed to maintain separate fund account depicting clearly the amount collected, amount utilised and balance amount for each earmarked levy collected from students. Unintentional surplus/deficit, if any, generated from earmarked levies must be utilized or adjusted against earmarked fees collected from the users in the subsequent year. Further, the school should evaluate costs incurred against each earmarked levy and propose the revised fee structure for earmarked levies in the subsequent proposal of fee increase by ensuring that the proposed levies are calculated on no-profit no-loss basis and not to include fee collected from all students as earmarked levies.

The act of the school of charging unwarranted fee or any other amount/fee under head other than the prescribed head of fee and accumulation of surplus fund thereof tantamount to profiteering and commercialization of education as well as charging of capitation fee in other form.

3. The Directorate vide its order No. F.DE.15/Act-I/08155/2013/5506-5518 dated 04.06.2012 directed that the school shall provide 25% reservation to children belonging to EWS category. Even as per the land allotment letter, the school is required to provide free ship to students belonging to weaker section. However, as per the information provided by the school for FY 2019-20 to FY 2021-22, it has been noted that the school was not complying with the abovementioned DOE's Order and condition mentioned in the land allotment letter which provides for granting of free ship to the extent of 25% to the children belonging to EWS category. Therefore, DDE District may be requested to look into this matter and ensure compliance with the above requirements. The details of total students and EWS students for the FY 2019-20 to 2021-22 are tabulated below:

Particulars	FY 2019-20	FY 2020-21	FY 2021-22
EWS	217	219	228
Total Strength	1105	1092	1121
% Of EWS students to total strength	19.63%	20.05%	20.33%

Similar point was also made in Directorate's Order No. F.DE.15(290)/PSB/2021/5208-5213 dated 13.12.2021, issued post evaluation of fee increase proposal for academic session 2019-20. As the school has not complied with direction issued in the previous year order, therefore the school is again directed to comply with the directions included in orders above.

4. Clause 24 of DoE Order dated 11.02.2009 states *"Every recognized unaided school covered by the Act, shall maintain accounts on the principles applicable to a non-business organization/ not-for-profit organization as per Generally Accepted Accounting Principles (GAAP). Such schools shall prepare their financial statement consisting of a Balance Sheet, P&L Account and Receipt & Payment account every year."*

Further, Appendix-III (Part-I-General instructions and accounting principles) of Guidance Note-21 states:

1. *"the financial statement of the School should be prepared on accrual basis.*
2. *a statement of all significant accounting policies adopted in the preparation and presentation of the balance sheet and income and expenditure account should be included in the School's Balance sheet.....*
3. *accounting policies should be applied consistently from one financial year to the next. Any change in the accounting policies which has a material effect in the current period, or which is reasonably expected to have a material effect in later periods should be disclosed...."*



Review of the audited financial statements of the school revealed that the school has been recording income on cash basis while expenses are being recoded on accrual basis. Thus, the school is not following Generally Accepted Accounting Principles (GAAP). Therefore, the school is hereby directed, to maintain its books of account in accordance with GAAP from subsequent financial years and made necessary adjustment in its books of accounts accordingly. The compliance with this direction shall be verified while evaluating the fee increase proposal of the subsequent year.

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

- i. The total funds available for the FY 2022-23 amounting to INR **5,20,01,875** out of which cash outflow in the FY 2022-23 is estimated to be INR **5,65,16,786**. This results in deficit of INR **45,14,911** for FY 2022-23 after all payments. The details are as follows:

Particulars	Amount (in INR)
Cash and Bank balances as on 31.03.22 as per audited financial statements	1,51,19,094
Investments as on 31.03.22 as per audited financial statements	1,80,07,329
<b>Liquid Funds Available with the School as on 31 Mar 2022</b>	<b>3,31,26,423</b>
Add: Fees for FY 2021-22 as per Audited Financial Statements (Refer Note 1 below)	2,74,36,166
Add: Other income for FY 2021-22 as per Audited Financial Statements (Refer Note 1 below)	25,28,951
<b>Net available funds for FY 2022-23</b>	<b>6,30,91,540</b>
Add: Amount recoverable from Society on account of school funds utilised for purchased of school bus (Refer Financial Suggestion No. 1)	14,24,486
Less: Refund/Adjustment of increased development and annual fee collected from students (Amount not quantifiable Refer Financial Suggestion No. 2)	-
Less: Investment in LIC against gratuity and leave encashment (Refer Financial Suggestion No. 3)	20,00,000
Less: Development fund balance as on 31.03.2022 as per audited financial statements (Refer Financial Suggestion No. 4)	55,11,154
Less: FDR against salary reserve as on 31.03.2022 as per audited financial statement (Refer Note 2 below)	50,02,997
<b>Estimated availability of funds for FY 2022-23</b>	<b>5,20,01,875</b>
Less: Budgeted expenses for the session 2022-23 (after making adjustment) (Refer Note 3 below)	2,51,57,060
Less: Salary arrears as per 7 <sup>th</sup> CPC (For the period 1 <sup>st</sup> April 2020 to 31 <sup>st</sup> March 2022)	3,13,59,726
<b>Estimated Deficit</b>	<b>45,14,911</b>

**Note 1:** 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.
- (iii) The above arrangement is also applicable with respect to collection of fees for FY 2021-22.

On 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 100% of the tuition fees and 85% of annual charges and development fees in its audited financial statements of FY 2021-22 on receipts basis. Therefore, the income collected by the school during the FY 2021-22 with respect to tuition fee, annual charges and development fees has been grossed up on accrual basis to make comparative income with the FY 2022-23. The detailed calculation has been provided below:

**Table A**

Particulars	Income as per Fee Reconciliation submitted by the school for the FY 2021-22	Income Considered while deriving the fund position for the FY 2022-23	Remarks
Tuition Fee	2,28,11,100	2,28,11,100	
Annual Charges	23,63,800	27,80,941	Annual charge and Development fee of FY 2021-22 has been increased to 100% as the school had collected these after allowing 15% discount.
Development fees	15,16,400	17,84,000	
<b>Total</b>	<b>2,66,91,300</b>	<b>2,73,76,041</b>	

All the other income as per audited financial statements of FY 2021-22 has been considered with the assumption that the amount received in FY 2021-22 will at least accrue during FY 2022-23 except development fund utilisation deferred income amounting to INR 1,95,937 being a non-cash item and transport income amounting to INR 72,800.

**Note 2:** As per clause 10 of Form-II of Right of Children to Free and Compulsory Education Act 2009, the schools are required to maintain liquidity equivalent to 3 months' salary and this amount should be invested in the joint name of Dy. Director (Education) and manager of the school. Generally, it is done in the form of FDR in any scheduled bank.

As per audited financial statements of the school for the FY 2021-22, balance of Salary Reserve fund as on 31.03.2022 is INR 81,00,000. However, the school has earmarked investment in the joint name



of the Dy. Director and Manager of the school of amounting INR 50,02,997. Hence, the same has been considered while calculating the fund position of the school.

**Note 3:** All budgeted expenditure proposed by the school has been considered while deriving the fund position of the school except following:

Heads	Budgeted expenditure in FY 2022-23	Amount Disallowed	Remarks
Salaries related expenditure	3,00,00,000	1,03,80,940	Restricted within 110% of the expenses incurred by the school in previous year.
Depreciation	12,23,643	12,23,643	Expense being a non-cash item
Transport Expense	19,10,000	19,10,000	Neither income nor expenditure has been considered while calculating the fund position of the school for FY 2022-23
Capital expenditure – Building	15,00,000	15,00,000	Non-compliance with Rule 177 of DSER, 1973
Capital expenditure – Currency counting Machine	12,00,000	12,00,000	As per the information provided by the school, fee is being collected through banking channel. Therefore, the expenditure proposed by the school towards currency counting machine has not been considered given the fact that the school has neither implemented the recommendation of the 7 <sup>th</sup> CPC nor invested an equivalent amount in plan asset to protect the statutory dues of the employee towards gratuity and leave encashment.
<b>Total</b>	<b>3,58,33,643</b>	<b>1,62,14,583</b>	

- ii. In view of the above examination, it is evident that the school does not have surplus fund to meet its budgeted expenditure for the academic session 2022-23 at the existing fee structure. In this regard, the directions issued by the Directorate of Education vide circular no. 1978 dated 16.04.2010 states:

*“All schools must, first of all, explore and exhaust the possibility of utilising 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 utilised 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 and other suggestions 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, recommendation of the team of Chartered Accountants along with relevant materials were put before the Director (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 not available with the school for meeting financial implication for the academic session 2022-23.

AND WHEREAS, it is relevant to mention that Covid-19 pandemic had a widespread impact on the entire society as well as on general economy. Further, charging of any arrears on account of fee for several months from the parents is not advisable not only because of additional sudden burden fall upon the parents/students but also as per the 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 15% to be effective from 01 Oct 2022.

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


Accordingly, it is hereby conveyed that the proposal for fee increase for the academic session 2022-23 of **Modern Era Convent School, B- 1 Block Janakpuri New Delhi – 110059 (School ID: 1618188)**, is hereby accepted by the Director (Education) and the school is allowed to increase its fee by 15% to be effective from 01 Oct 2022.

Further, the management of said school is hereby directed under section 24(3) of DSEA 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 Maharaj)  
Additional Director of Education  
(Private School Branch)  
Directorate of Education, GNCT of Delhi



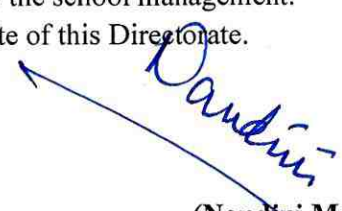
To  
The Manager/ HoS  
Modern Era Convent School,  
B- 1 Block Janakpuri New Delhi – 110059  
(School ID: 1618188),

No. F.DE.15 ( 1113 )/PSB/2022 / 438-442

Dated: 16/01/23

**Copy to:**

1. P.S. to Principal Secretary (Education), Directorate of Education, GNCT of Delhi.
2. P.S. to Director (Education), Directorate of Education, GNCT of Delhi.
3. DDE (West B) ensure the compliance of the above order by the school management.
4. In-charge (I.T Cell) with the request to upload on the website of this Directorate.
5. Guard file.

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