

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

No. F.DE.15 (1047)/PSB/2022/ 9509-9513

Dated: 21/11/22

Order

WHEREAS, Vidya Niketan Public School Nanak Pura, Moti Bagh, New Delhi (School ID: 1719118), (hereinafter referred to as "the School"), run by the M.B Mutual Aid Educational (Vidya Niketan) 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, the manager of every recognized 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.'*

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 hike proposal submitted by the private unaided recognized schools which have been allotted 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 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 expert Chartered Accountants at HQ level who have 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 the DOE.

AND WHEREAS, in the process of examination of fee hike proposal filed by the aforesaid School for the academic session 2022-23, necessary records and explanations were called from the school vide email dated September 22, 2022 but the school did not submit any documents/ clarifications. In the aforesaid email the school was also asked to appear for discussion in person on September 29, 2022 along with necessary records and explanation. However, the school neither submitted the required documents/ records necessary for carrying out the evaluation of fee increase proposal nor attended in person hearing which was scheduled well in advance nor school communicated with the department for the extension. Despite the fact the school did not communicate with the department, the department has taken lenient view and another e-mail dated October 04, 2022 and October 18, 2022 was sent requesting the school, to submit the required documents mentioned in the above sent e-mail and providing the school with another opportunity to be heard on October 12, 2022 and October 21, 2022 respectively but the school again did not turn up to attend the personal hearing like earlier and did not send any communication to the department for doing so. Therefore, it can be concluded that the school do not have any documents /explanations to offer in respect of their fee increase proposal and it seems that the school is not interested to cooperate with the department in evaluation of its fee proposal for



the academic session 2022-23. The list of documents which the school have not provided are given below:

1. FA schedule for the FY 2019-20
2. Compliance report of DOE order related to fee hike issued for academic session 2019-20 (if applicable)
3. Original fee receipts for all the fee charged by school during the FY 19-20, 20-21, 21-22 and 22-23 for each class (at least 2 students)
4. Fee structure of school is required for FY 2019-20, 2020-21, 2021-22 and 2022-23
5. Detailed calculation of 7th CPC arrears in excel. Moreover, if 7th CPC is implemented, a copy of salary payment registers for 2 months before implementation and 2 months after implementation of 7th CPC along with proof of disbursements of salary and arrears.
6. Details of managing committee members such as name, designation, date of joining, etc. along with remuneration to managing committee members or manager
7. Declaration regarding relation with third party contractors and related party transactions
8. Copy of FD for investment equal to 3 months' salary in name of DOE and manager and copies of other FDR as on 31st March 2022
9. Fixed Asset Register (FAR) for FY 2021-22 is required and details of vehicles (with RC copy) purchased and building construction done as per FA schedule (if any)
10. Details of expenditure incurred against transport fees for FY 2019-20, 2020-21 and 2021-22. Along with the bus hire agreement.
11. Number of teachers and students in primary and upper primary school (i.e., Class I to XII)
12. Class wise details regarding number of students and reservations for EWS
13. Details of actual gratuity paid in cash in the last 3 financial years and to whom.
14. Ledgers related to Repair and maintenance, Caution money, Society loan, housekeeping charges for FY 2019-20, 2020-21 and 2021-22
15. Loan Ledger for FY 2019-20, 2020-21 and 2021-22 along with sanction letter, purpose of the loan, loan repayment schedule, utilisation of loan and source of repayment of loan
16. Complaint of parents against school in relation to fee hike or related to any other matter.

AND WHEREAS, evaluation of fee proposal of the school cannot be carried out as the school has not appeared for discussion and has not submitted documents/ clarifications asked for. It seems that the school do not want its fee proposal to get evaluated and the school is not willing to cooperate with the Directorate.

AND WHEREAS, in the light of 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 expert Chartered Accountants that since the evaluation of fee proposal of the School could not be carried out as the school has not appeared for discussion and has not submitted any documents/ clarifications as required from the school, the fee increase proposal of the school may not be accepted.

AND WHEREAS, recommendations of the team of expert Chartered Accountants along with relevant material were put before the Director of Education for consideration and who after considering all the material on the record, found that since the School has not appeared for discussion and has not submitted relevant documents /clarifications therefore, Directorate has rejected the proposal of fee increase submitted by the said school for academic session 2022-23 with the direction to DDE (District)



to process necessary action against the School as per the provisions of DSEA & R, 1973 as well as direction of Hon'ble Court.

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 since the School has not appeared for discussion and has not submitted relevant documents /clarifications for evaluation of fee proposal for academic session 2022-23. Therefore, Director (Education) has rejected the proposal submitted by the school to increase the fee for the academic session 2022-23.

Accordingly, it is hereby conveyed that the proposal for fee hike of **Vidya Niketan Public School Nanak Pura, Moti Bagh, New Delhi (School ID: 1719118)** filed 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 rejected by the Director (Education) with the above conclusions and suggestions.

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

1. Not to increase any fee/charges during FY 2022-23. In case, the school has already charged increased fee during FY 2022-23, the school should make necessary adjustments from future fee/refund the amount of excess fee collected, if any, as per the convenience of the parents.
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



(Yogesh Pal Singh)

Deputy Director of Education
(Private School Branch)

Directorate of Education, GNCT of Delhi

To
The Manager/ HoS
Vidya Niketan Public School Nanak Pura,
Moti Bagh, New Delhi (School ID: 1719118)

No. F.DE.15 (1047)/PSB/2022 / 9509-9513

Dated: 21/11/22

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 (South West A) 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.



(Yogesh Pal Singh)

Deputy Director of Education

(Private School Branch)

Directorate of Education, GNCT of Delhi