

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

No. F.DE.15 (1249)/PSB/2023/ 2034-2039

Dated: 02/03/23

Order

WHEREAS, **Delhi International School (School ID: 1821210), Sector-23, Dwarka, New Delhi-110077**, (hereinafter referred to as "**the School**"), run by the **Nav Jagriti Niketan 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 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 examining the fee increase proposal filed by the aforesaid school for the academic session 2022-23, necessary records and explanations were also requested from the school through email. Further, the school was also provided an opportunity to be heard on December 7, 2022, to present its justifications or clarifications on the fee increase proposal, including audited financial statements. However, the school didn't attend the meeting. Instead of rejecting the school's fee increase proposal outright, the department gave the school another chance to be heard on December 21, 2022, and January 30, 2023. Unlike the earlier instances, the school once again failed to attend the personal meeting and submit the required documents.

AND WHEREAS, after giving ample opportunities to the school to present its cases, it is concluded that the school is not interested in attending the personal hearing and submitting the required documents/explanations to get its fee increase proposal evaluated by the department. The list of documents which the school has not provided is given below:

1. Audited financial statements of the school for FY 2019-20, 2020-21 and 2021-22 along with all schedules and notes to accounts.
2. Fees reconciliation statements for FY 2019-20, 2020-21 and 2021-22.
3. Fixed Asset Register (FAR) for the FY 2021-22 and physical verification report of fixed assets by the school management.
4. Ledger account of all the vehicle purchased and capitalized.
5. Ledger of account of housekeeping and caution money for the FY 2019-20,2020-21 and 2021-22.
6. Fee structure of the school for the FY 2018-19.
7. Justification of fee increase in FY 2020-21 as compared to the fee of FY 2019-20.
8. Ledger account of building from FY 2019-20 to FY 2022-23.
9. Statement of FDR as on 31.03.2022 along with copy of the FDR.
10. Ledger account of "Other" for the FY 2021-22.
11. Declaration regarding transaction entered into with the related parties.
12. Ledger account for student fund, scholarship fund, and FA fund along with the purpose of these collection.
13. Head wise utilization of development funds in last three financial years along with the ledger accounts and supporting documents.
14. Detailed calculation of salary arrears payable in accordance with the recommendation of 7th CPC.

AND WHEREAS, in view of the above, it appears that the school does not want to get its fee proposal evaluated and is not willing to cooperate with the Directorate. Therefore, the fee increase proposal submitted by the school via order F.DE.15 (40)/PSB/2019/4440-4412 dated June 8, 2022, cannot be carried out.

AND WHEREAS, in light of the provisions of the 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 because the evaluation of the school's fee proposal could not be carried out because the school had not submitted any documents or clarifications as required from the school, the school's fee increase proposal may be rejected.

AND WHEREFORE, the recommendations of the team of expert chartered accountants, along with relevant material, were presented to the Director of Education for consideration, who, after reviewing all of the material on the record, determined that, because the school had not submitted relevant documents or clarifications, the Directorate rejected the proposal of a fee increase submitted by the said school for the academic session 2022-23, directing the DDE (District) to take necessary action against the school.

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 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 increase of **Delhi International School (School ID: 1821210), Sector-23, Dwarka, New Delhi-110077** 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.


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

To
The Manager/ HoS
Delhi International School
(School ID: 1821210),
Sector-23, Dwarka,
New Delhi-110077

No. F.DE.15 (1269)/PSB/2023 / 2034-2039

Dated: 02/03/23

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 (South West B) 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**