

**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**DIRECTORATE OF EDUCATION**  
**(ACT - I BRANCH)**  
**OLD SECTT: DELHI-54**

NO.DE.15 (134)/Act-I/2016/ 8085-8092

Dated: 21-04-2016

**ORDER**

**Whereas,** Gyan Devi Salwan Public School, Old Rajinder Nagar, New Delhi was granted recognition on the land allotted by the Government Agency under the provisions of Delhi School Education Act & Rules, 1973. The school is under statutory obligation to comply with the provisions of Delhi School Education Act & Rules, 1973 and other directions issued from time to time by the department for continuance of the recognition of the school.

**And Whereas,** a complaint dated 18/04/2016 of the Parents of Gyan Devi Salwan Public School, Old Rajinder Nagar, New Delhi addressed to Dy. Chief Minister has been received alleging unjustified fee hike and violation of the provisions of Delhi School Education Act & Rules, 1973 and other directions of the department by the school management of Gyan Devi Salwan Public School, Old Rajinder Nagar, New Delhi. The allegations made in the complaint are as under:-

1. The school has increased the fee more than 10% each year in the last seven years for the class 1 to Xth and other classes in violation of Hon'ble Delhi Court's order dated 19-01-2016 and Government's instructions as per the details of structure of quarterly fee given below:-

Class	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Nursery						17540	19630
I to X	8860	10935	12030	13415	15205	16730	18565

Besides above, the school also charges Rs.1350/- monthly for Mid-day-Meal, which is compulsory for students of Nursery & KG.

2. The school has charged Rs.46,750/- as Annual Charges in 2016-17 for Nursery Class i.e. more than any other class of the school and directed to deposit the said amount in cash in GD Salwan Montessori School A/c No.3104697401, failing which no admission would be offered.

3. The school is charging excess amount of Rs. 4770/- quarterly as tuition fee from the Nursery Class students in comparison to the fees of the students of the other classes which is unjust and discriminatory. The school may be directed



to charge the same amount as tuition fee from all classes and refund the excess amount to the parents of Nursery class.

4. The school has introduced the costly books of private publishers in the curriculum and have allowed in its premises sales of stationary and private publishers' books costing thousands of rupees to each parent. This is against the CBSE's recent guidelines. Moreover, the book store in the school premises has been selling books and stationary items without any TIN Bill, thereby evading income tax and sales Tax. The private vendor cannot do it in the school premises without active connivance of the school authorities. This aspect may be investigated and the guilty punished as per law and the school may also be taken up for violating CBSE guidelines in this regard.

5. The school is charging fees from the parents on account of providing free books, uniforms, and writing materials and Mid-Day meal in violations of the department instructions.

6. The school is charging late fee of Rs.50/- per day.

7. The school is not following the instruction in formation of PTA hence the school may be directed to dissolve the present PTA with immediate effect and to initiate process for election of fresh PTA.

8. The schools are forcing the Parents to use school bus only for ferrying their children to the school and back home. Some parents reside in narrow lanes of the city where buses cannot ply and it takes too much time to reach the nearest designated bus stop. Hence, such parents should be allowed to use private cabs, whose character verification is done by the local police.

9. The parents of Nursery class are not treated at par with parents of other classes and are made to pay more. Annual Charges should have been reflected in quarterly fees as is done in the case of all other classes and the quarterly fees so obtained for Nursery classes should be at par with the quarterly fees of other classes.

**AND Whereas,** the allegations made by the parents was examined and found that the parents have raised the following issues against the school (i) fee hike in violation of Hon'ble High Court Order dated 19/01/2016 (ii) different fee structure in nursery class (iii) introduction of costly books and selling them through a fixed private vendors making huge profits (iv) charging of fee for supplying free books, uniform, mid day meal and writing material from the EWS students (v) formation of PTA in violation of this directorate's guidelines (vi) charging of late fine in excess as prescribed in the rules (vii) compulsory use of school transport (viii) The school is charging Rs. 750/- as Mid-day meal compulsorily from all the students admitted in Nursery and KG and (ix) asking to deposit the annual charges Rs.46, 750/- for 2016-17 in cash in the bank account of GD Salwan Montessori School A/c No.3104697401 from the parents of Nursery/DG students.



**AND Whereas,** the allegations of the parents are analysed viz-a-viz rule position and directions of the department as below:-

- (i) The school is running on the land allotted by the DDA with the condition to seek the prior sanction from Director (Education) before the fee hike and the Hon'ble High Court vide its order dated 19/01/2016 directed Director (Education) to ensure the implementation of land obligation. The school has increased the fee @ 12% in Nursery Class and @ 10% in upper classes from the previous academic without the prior sanction of Director (Education) hence violated the condition of allotment of land, High Court Order dated 19.01.2016 and directions of the department dated 19/02/2016 and the same is liable to be refunded.
- (ii) The school is adopting the different fee structure for the students admitted in the Nursery Class and higher classes. The parents of Nursery class students have to pay excess amount than the parents of higher classes. Before taking a view on the issue, clarification needs to be sought from the school.
- (iii) As per office order No. 3/2001 dated 13/08/2001 issued by Deputy Land & Development Officer, Land & Development office, Ministry of Urban Development & Poverty Alleviation, Govt. of India, permission was granted to run book shop, tailor shop and running of canteen in the school premises subject to the condition that these are run inside the premises and for the bonafide use by the students and Institutions only and do not have access towards outside the premises. In no circumstances any outsider should have access to these. In case these establishments are licensed/rented out by the institutions to agencies/individuals for running these facilities, 50% of the rent/license fee will be payable to the Lessor/L&DO. The space for Tailor Shop, Book Shop, Canteen will also form part of their FAR. However, the school is bound to the provisions of Rule 50(4) which prohibits any profiteering. The school is required to provide these facilities with a view to facilitate parents but can not force the parents to buy books and uniforms from the fixed vendors or through the shops in the school premises. As regards to introduce the costly books in the schools and selling through the fixed vendors, the school needs to be directed to display the name of the books with Publishers Name to be introduced in the ensuing session for all classes on the website of the school well in advance before the start the academic session so as the parents may purchase the books from where they desire. On the issue of charging of fee for supplying free books, uniform, mid day meal and writing material from the EWS student, necessary directions has already been issued in this regard. However, the school needs to issue direction again.
- (iv) The school can not charge any amount from the EWS parents on account of providing free books, uniform and writing material as per Rule 8 of Delhi RTE Rules, 2011, notification dated 30.12.2013 and directions of Hon'ble High Court in WPC 3684/2013.



- (v) On the issue of formation of defective Parent Teacher Association, it is submitted that DoE issued directions on 12/04/2010 for constitution of Parent Teacher Association in the Private Unaided Recognized School. The school needs to be directed to constitute the PTA as per the said guidelines.
- (vi) On charging of late fine in excess as prescribed in the rules, it is submitted as per the provisions of Rule 166 of DSEAR, 1973, the school can charge 5 paise per day as late fine. The school needs to be issued direction to this effect.
- (vii) On the issue of compulsory use of school transport, the school cannot force the parents to use school transport. It should be up to the convenient of the parents whether they use school transport or make their own arrangement to ferry their children.
- (viii) In accordance with para 22 of DoE order dated 11.02.2009 earmarked levies shall be charged from the user student only. The amount of Mid-day meal may be charged from the Users only and the school cannot force all the students to opt for mid day meal and charge for it compulsorily.
- (ix) The school cannot force the parents/students to deposit the annual charges in cash in the bank account without issuing any receipts which is violation of the provisions of rule 172 (2) of DSEAR, 1973 which provides to issue proper receipt against collection of any fee, contribution and other charges.

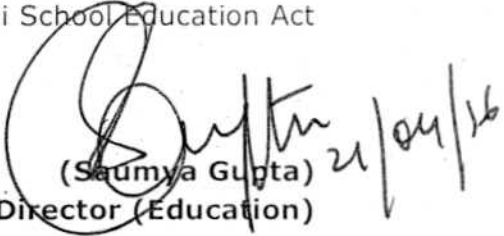
**NOW Therefore,** in view of the aforesaid violations of various provisions of the Delhi School Education Act and Rules, 1973 and non-compliance of the order of directorate of education as mentioned above, the management of Private Unaided Recognized Schools of Salwan Public School is hereby directed as under:-

- (a) To refund the enhanced fee to the parents so collected by the school authority for the academic session 2016-17
- (b) Submit the clarification on fixing the excess fees from the Nursery class in comparison to the other classes. It may also be clarified whether the fee hike is made by the school on class wise fees structure or amount paid by the students in previous class/year.
- (c) Not to force any parents/students to purchase books/writing material from the school's shop premises or fixed vendors. The school shall display the list of the books to be introduced with the name of publishers on the website of the school and in almanac of the students or notice board well in advance before the start of new academic session so that the parents may purchase books/writing material from wherever they desire.
- (d) Not to charge any amount from the EWS/DG parents on account of supplying books, uniforms and writing material to them.
- (e) Constitute Parents Teachers Association in accordance with this Directorate's Circular dated 12/04/2010.



- (f) To charge late fee fine in accordance with Rule 166 of Delhi School Education Act & Rules, 1973.
- (g) Not to force the parents to use school transport to ferry their children.
- (h) Not to charge the amount for Mid-day meal compulsorily from the parents of all Nursery/KG class students. The amount to this head may be charged from the Users only.
- (i) Collect the amount from the parents in cheque to maintain transparency and issue proper receipt in accordance with the rule 172 (2) of DSEAR, 1973.

The Manager/Head of the Salwan Public school is also directed to submit the compliance report within period of 07 days on receipt of this order failing which appropriate action under relevant provisions of Delhi School Education Act & Rules, 1973 may be taken.

  
(Saumya Gupta)  
Director (Education)

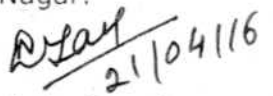
Manager/Hos of G.D.Salwan Public School  
Old Rajender Nager, New Delhi.

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Dated:- 21-04-2016

Copy to:-

- (i) Principal Secretary to Hon'ble CM
- (ii) Secretary to Hon'ble Dy. CM/MoE
- (iii) OSD to Chief Secretary, GNCT of Delhi
- (iv) Secretary, Education.
- (v) DDE (Central/New Delhi)/Zone concerned
- (vi) OS (IT) to send this order online to the school ID.
- (vii) Parents, Gyan Devi Salwan Public School, Old Rajender Nagar.

  
21/04/16  
(P. Lata Tara)  
DDE (Act-I)