
**JUSTICE ANIL DEV SINGH COMMITTEE
FOR REVIEW OF SCHOOL FEE**

6th Interim report

August 6, 2014

**CA J.S. Kochar
Member**

**Justice Anil Dev Singh (Retd.)
Chairperson**

**Dr. R.K. Sharma
Member**

JUSTICE ANIL DEV SINGH COMMITTEE FOR REVIEW OF FEE HIKE

6TH INTERIM REPORT

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Determinations

1. This Interim Report deals with 81 schools, out of which 12 schools are in Category 'A', 50 schools are in Category "B" and 19 schools are in Category "C". The summary of recommendations of the Committee in respect of these schools is as follows:

No. Of schools where the Committee has found the fee hike to be unjustified, either partially or fully, and hence recommended the refund of excess fee	34
No. of schools where besides, finding the fee hike to be unjustified either partially or fully, the Committee also found their records to be unreliable, and hence the Committee has recommended special inspection in addition to refund of fee	7
No. of schools whose claim for a further hike in fee, over and above that permitted by order dated 11/02/2009, was found to be justified	Nil
No. of schools where the Committee found the records of the school to be unreliable or the schools did not produce the records before the Committee and hence has recommended special inspection to be carried out by Director of Education	14
No. of schools where the Committee found no reason to interfere qua the fee hike on account of the fact that the hike effected by them was not found to be excessive	19
No. of schools where the Committee could not arrive at any conclusion about the justifiability of hike of fee as the schools did not respond to the notices of the Committee and there were indications that either the schools had closed down or had been derecognised by the Directorate of Education.	7
Total	81

2. Schools in respect of which the Committee has recommended refund of fee.

The Committee has recommended refund of fee unjustly hiked by 41 schools. Among them are 7 schools, where the Committee, besides recommending the refund, has also recommended special inspection to be carried out by the Director of Education.

In respect of 34 schools out of 41 schools, which in view of the Committee had unjustly hiked the fee, the Committee has found that the hike effected by them in pursuance of the order dated 11/02/2009 issued by the Director of Education was either wholly or partially unjustified as, either:

- (a) the schools had hiked the fee taking undue advantage of the aforesaid order as they had no requirement for additional funds since they were found not to have implemented the recommendations of the VI Pay Commission, for which purpose the schools were permitted to hike the fee, or
- (b) the schools had sufficient funds at their disposal out of which the additional burden imposed by the implementation of VI Pay Commission could have been absorbed, or the additional revenue generated on account of fee hike effected by the schools was more than what was required to fully absorb the impact of implementation of VI Pay Commission report, or

- (c) the development fee being charged by the schools was not in accordance with the criteria laid down by the Duggal Committee which was upheld by the Hon'ble Supreme Court in the case of Modern School vs. Union of India & ors. (2004) 5 SCC 583.

The detailed reasoning and calculations are given in the recommendations made in respect of each individual school which have been made a part of this report and are annexed herewith. The Committee has recommended that the unjustified or unauthorised fee charged by the schools be refunded by them alongwith interest @ 9% per annum, as mandated by the decision of the Hon'ble Delhi High Court in Delhi Abhibhavak Mahasangh vs. Directorate of Education & ors. in WP(C) 7777 of 2009.

The list of these **34** schools where the Committee has recommended refund is as follows: -

S. No.	Ref. No.	Name & Address of the School	Page No.
1	A-45	Jeevan Public School, Pratap Vihar Part-II, Kirari Extension	10-14
2	A-94	T. N. Public School, Krishan Vihar	15-21
3	A-101	Goodwill Public School, Uttam Nagar	22-27
4	A-104	Adarsh Public School, Shyam Enclave, Najafgarh	28-32
5	A-105	Sant Kirpal Model School, Najafgarh	33-42
6	A-109	Chowgule Public School, Faiz Road, Karol Bagh	43-51
7	B-11	Bal Bhawan Public Sr. Sec. School, Laxmi Nagar	52-64
8	B-110	Gyan Bharti School, Saket	65-87
9	B-126	Ambience Public School, Safdarjung Enclave	88-104
10	B-221	Vivekanand International School, I. P. Extension	105-116
11	B-292	Rajdhani Public School, Narela	117-122
12	B-312	Pusa Public Sr. Sec. School, Vikas Puri	123-132

13	B-334	Oxford Modern Public School, Mandoli Road, Shahdara	133-137
14	B-352	Takshila Public School, Jyoti Colony Extn.	138-143
15	B-413	Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School, Sadh Nagar Part-I, Palam Colony	144-150
16	B-415	Deep Parmarth Secondary School, Palam	151-156
17	B-450	H. S. Public School, Jwalapuri Road, Nangloi	157-161
18	B-451	C. R. Saini Secondary Public School, Saini Vihar, Nangloi	162-167
19	B-465	Broadways Public School, Janki Puri	168-172
20	B-467	Shanti Ideal Convent Public School, Jai Vihar-III	173-178
21	B-478	Shri Nijatam Prem Vidyalaya, Anand Parbat	179-184
22	B-482	Bal Sthali Public School, Kirari, Nangloi	185-189
23	B-483	R. K. Memorial Public School, Karan Vihar Phase-V	190-195
24	B-496	M. R. Vivekananda Public School, Krishna Park	196-201
25	B-502	Mata Shiv Devi Public School, Keshavpuram	202-207
26	B-505	Heera Lal Public School, Madan Pur Dabas	208-212
27	B-547	I. P. Public School, Saroop Nagar	213-218
28	B-582	Adarsh Vidyalaya, Tagore Garden	219-223
29	B-599	Raja Public School, Chandan Vihar, Nangloi	224-228
30	B-621	Shiv Vani Model Sr. Sec. School, Mahavir Enclave, Palam Road	229-247
31	B-634	Saint Raman School, Mayur Vihar Phase-III	248-253
32	B-635	Florence Public School, Mayur Vihar Phase-I	254-259
33	C-201	Swami Hariharanand Public School, Yamuna Bazar	260-267
34	C-432	Sunshine Public School, Laxmi Nagar	268-273

3. In respect of the remaining 7 schools, the Committee found that the schools had increased the fee in pursuance of the order dated 11/02/2009 of the Director of Education but had not implemented the VI Pay Commission Report. At the same time, the financials of the schools did not inspire any confidence for a variety of reasons, which have been discussed in the recommendations in respect of each school separately. In some cases, the schools did not produce the required records for examination by the Committee but the fee

schedules and staff statements filed by the schools as part of their returns under Rule 180 of the Delhi School Education Rules, 1973 showed that they had hiked the fee in pursuance of order dt. 11.02.2009 of the Director of Education, without implementing the recommendations of the 6th Pay Commission report. As such the Committee has not only recommended the refund of the fee hiked along with interest @ 9% per annum but has also recommended special inspection of the schools to be carried out by the Director of Education. The recommendations of the individual schools have been made a part of this report and are annexed herewith. The list of the aforesaid 7 schools is given below: -

S. No.	Ref. No.	Name & Address of the School	Page No.
1	A-125	M R Vivekanand Model School, Mukhram Park, Tilak Nagar	274-286
2	B-129	Bhawan's Sawan Public School, Bhatti Mines Roads	287-306
3	B-192	Cambridge Foundation School, Rajouri Garden	307-322
4	B-328	Vijay Deep Public School, West Karawal Nagar	323-327
5	B-371	Bal Niketan Public School, Sangam Vihar	328-334
6	B-468	High Rise Public School, Mohan Garden	335-340
7	C-352	Shri Guru Ram Rai Public School, Najafgarh	341-347

4. Schools in respect of which the Committee has not been able to take a view:

In respect of 14 schools, the Committee has not been able to take a categorical view as, in the case of some schools, complete records were not produced by them for examination by the Committee and in the case of others, the records produced did not inspire any confidence for reasons which are discussed in the case of each

individual school. In some cases, the records produced appeared to have been fabricated. Since, the Committee does not have any power to compel the schools to comply with its directions, the Committee has recommended special inspection to be carried out by the Director of Education. The recommendations of the Committee in respect of these schools have been made a part of this report and are annexed herewith. The list of these 14 schools is as given below:

S. No.	Ref. No.	Name & Address of the School	Page No.
1	A-96	Aristotle Public Sr. Sec. School, Qutubgarh	348-352
2	A-121	Shakti Mandir Premwati Public School, Daryaganj	353-357
3	B-307	Adarsh Lakhat Model Sec. School, Khajoori Khas	358-361
4	B-391	D. H. M. Public School, Dichau Kalan, Najafgarh	362-365
5	B-396	P. D. Model Sec. School, Paschimi Friends Enclave, Sect-6, Sultanpuri Road	366-370
6	B-399	Rajshree International Public School, Karawal Nagar	371-376
7	B-421	Gyan Public School, Bijwasan	377-380
8	B-494	B. S. M. Public School, Anandpur Dham, Karala	381-385
9	C-282	Spring Fields Convent School, Ranaji Enclave, Najafgarh	386-391
10	C-415	J. M. Model Public School, Bhajanpura	392-393
11	C-424	Bharat Bharti Public School, Shakarpur Extension	394-397
12	C-426	Mayo International School, Patparganj	398-399
13	C-428	Om Gyan Bharti Public School, Pandav Nagar	400-401
14	C-429	Monalisa Public School, Pratap Nagar, Mayur Vihar-I	402-405

5. Schools in respect of which the Committee found no reason to interfere.

In respect of **19** schools, the Committee has not recommended any intervention as the schools were found to have, either not hiked the fee in pursuance of the order dated 11/02/2009 issued by the Director of Education, or the fee hiked was found to be within or near about the tolerance limit of 10% or the fee hike in absolute terms was not much, or the fee hike was found to be justified, considering the additional burden on account of implementation of Sixth Pay Commission report. Following is the list of the aforesaid **19** schools:

S. No.	Ref. No.	Name & Address of the School	Page No.
1	A-84	Jiya Memorial Public School, Chander Vihar, Nilothi	406-410
2	A-97	Vidya Bharti School, Sector-15, Rohini	411-426
3	A-98	Convent of St. Garjiya School, Uttam Nagar	427-431
4	B-19	Darbari Lal DAV Model School, Shalimar Bagh	432-440
5	B-160	Greenfields Public School, Dilshad Garden	441-453
6	B-196	Dayanand Public School, Model Town-III	454-463
7	B-217	Ravindra Memorial Public School, Shakti Nagar	464-470
8	B-261	New Delhi Public School, Vikas Puri	471-482
9	B-382	Jai Bharti Public School, Badarpur	483-486
10	B-423	Sant Shri Nandlal Saraswati Vidya Mandir, Palam Colony	487-491
11	B-425	Solanki Public School, Nasirpur, Dabri Road	492-496
12	B-458	Bal Vikas Public School, Paschim Vihar	497-501
13	B-484	G. N. Public School, Raj Park, Sultanpuri Road	502-506
14	B-518	Panchsheel Golden Public School, Ram Nagar Extension, Shahdara	507-511
15	B-657	St. Giri Public School, Sarita Vihar	512-521
16	C-257	J. N. International School, Village Aali, Badarpur	522-527
17	C-288	St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar	528-532
18	C-423	Premlabai Chavan Mook Badhir Vidyalaya, Karkadi More	533-535
19	C-425	Keshav Vidya Mandir, West Vinod Nagar	536-539


6. Schools in respect of which the Committee could not arrive at any definite conclusion:


In case of 7 schools, the Committee could not arrive at any definite conclusions as to whether they had increased the fee at all in pursuance of order dated 11/02/2009 issued by the Director of Education or whether the fee hiked by the schools in pursuance of the aforesaid order was justified as none of these schools (except 1) had filed their annual returns prescribed under Rule 180 of the Delhi School Education Rules, 1973 nor did they respond to the notices sent by the Committee. The Committee received reports from either the schools or the Directorate of Education that the schools had closed down or had been derecognised by the Directorate of Education. In one case where such returns were filed, they did not produce any records before the Committee for verification on the ground that the school had been derecognised. The Committee has recommended that the Director of Education may take such action against the schools as deemed appropriate under the law. Following is the list of the aforesaid 7 schools:

S. No.	Ref. No.	Name & Address of the School	Page No.
1	B-600	Geeta Ashram Vidya Mandir, Delhi Cantt.	540-543
2	C-404	Guru Gobind Singh Public School, Tilak Nagar	544-545
3	C-406	D.V.B. (NDPL-DESU) Co-Ed. Middle School, Tripolia Colony, R.P Bagh	546-547
4	C-430	Adarsh Bharti Public School, Krishna Nagar	548-549
5	C-431	Bal Vikas Modern School, Azad Nagar	550-551
6	C-433	West Delhi Public School, Paschim Vihar	552-553
7	C-434	Convent of St. Marks School, Mahavir Enclave, Palam	554-555

7. Disposal of Review applications

The Committee had received applications for review of its recommendations, inter alia, from N.K. Bagrodia Public School, Dwarka and Faith Academy, Patel Nagar. Their review petitions were disposed off vide note dated 06/05/2014, copies of which are enclosed at pages 556 to 559


Justice Anil Dev Singh (Retd)
Chairperson


CA J.S. Kochar
Member

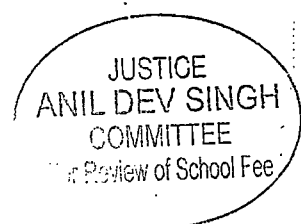

Dr. R.K. Sharma
Member

Jeevan Public School, Pratap Vihar, Part II, Kirari Ext. New Delhi-86

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

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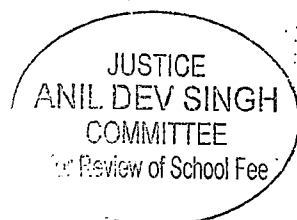
Jeevan Public School,Pratap Vihar,Part II, Kirari Ext. New Delhi-86

4. With a view to verify the returns, the Office of the Committee vide its notice dated 16.07.2012 required the school to appear on 25.07.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. The school vide its letter dated 25.07.2012 requested for some more time to produce its records. The Committee provided final opportunity to the school to produce its financials for verification on 03.08.2012.

5. On 03.08.2012, Shri Jugbir Singh, Manager of the school appeared before the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. March 2010 and had hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, in range of Rs.100/- to Rs.200/- for different classes, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was to the extent of 10%.



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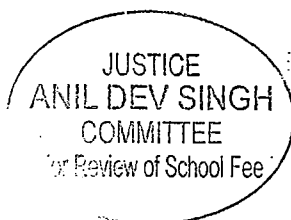
Secretary

Jeevan Public School,Pratap Vihar,Part II, Kirari Ext. New Delhi-86

(ii). The school claimed to have implemented the recommendations of the 6th Pay Commission but D.A. and H.R.A had not been paid as per the prescribed norms of 6th.Pay Commission.

7. By notice dated 02.04.2014 the school was asked to appear on 29.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 29.04.2014, Shri Jugbir Singh, Manager, Ms. Beena Dangwal and Shri Rajiv Mahajan, C.A., of the school appeared before the Committee and provided the records. The representatives of the school contended that the school had hiked the tuition fee in 2009-10 by Rs.100/- per month for classes I to VII and by Rs.200/- per month for classes VIII and X. It was contended that the report of 6th.Pay Commission was prospectively implemented from March 2009. However, on verification of salary records, it was observed by the Committee that after the purported implementation of the report of 6th.Pay Commission, about 20% to 25% teachers were shown on leave without pay. It was conceded that salary to the staff was paid in cash even after the purported implementation of the report of 6th.Pay Commission. In its



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W
Secretary

Jeevan Public School, Pratap Vihar, Part II, Kirari Ext. New Delhi-86

reply to the questionnaire regarding development fee, the school has contended that the development fee had not been charged from the students.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	350	450	100	495	45
II	375	475	100	523	48
III	400	500	100	550	50
IV	425	525	100	578	53
V	450	550	100	605	55
VI	475	575	100	633	58
VII	500	600	100	660	60
VIII	550	750	200	825	75
IX	600	800	200	880	80
X	650	850	200	935	85

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the fee hike had been within 10%.



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Jeevan Public School, Pratap Vihar, Part II, Kirari Ext. New Delhi-86

11. The salary to the staff has been paid in cash and a substantial number of teachers have been shown of leave without pay, after the purported implementation of the recommendations of the 6th. Pay Commission, therefore the claim of the school to have implemented the recommendations of the 6th Pay Commission cannot be believed.

12. As per record filed before us, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:- 12.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

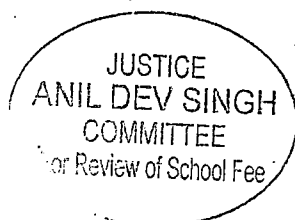


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Secretary

T.N. Public School, Krishan Vihar, Delhi - 110 041

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

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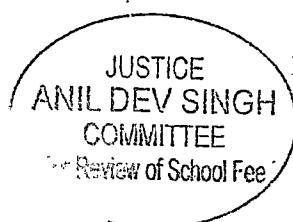
T.N. Public School, Krishan Vihar, Delhi - 110 041

4. With a view to verify the returns, the Office of the Committee vide its notice dated 03.08.2012 required the school to appear on 21.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 21.08.2012, the Office of the Committee received a letter, requesting for extension of the date for the verification of the records. The Committee provided final opportunity to the school to produce its financials for verification on 03.09.2012.

5. On 03.09.2012, Shri Ashok Kumar, Manager and Shri Ramesh Kumar, Accountant appeared before the Committee and produced the record. The school did not submit reply to the questionnaire.

6. The record, in the first instance, was examined by Shri K.K. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

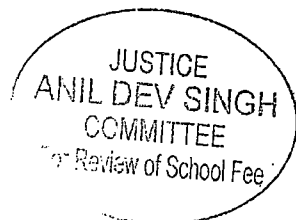
(i). The school had increased tuition fee in 2009-10, in pursuance of the order of the Director Of Education dated 11.02.2009, for all classes. During 2010-11, the hike in fee had been within 10% for some of the classes, but for the others, fee had been reduced.

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Secretary

T.N. Public School, Krishan Vihar, Delhi - 110 041

- (ii). The school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2010 partially. The allowances had not been paid to the staff as per prescribed norms.
7. By notice dated 02.04.2014 the school was asked to appear on 25.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 25.04.2014, Shri Ramesh Kumar, Accountant of the school appeared before the Committee and filed a letter seeking adjournment. The school was provided another opportunity of hearing on 12.05.2014.
9. On 12.05.2014, Shri Ramesh Kumar Singh, Accountant of the school appeared before the Committee and presented reply to the revised questionnaire. As per the reply,
- (i). the school implemented the report of the 6th Pay Commission w.e.f. 01.04.2010,
- (ii). the school hiked the tuition fee in 2009-10 in accordance with the order of the Director of Education dated 11.02.2009,



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(iii). the school neither paid arrears of salary to its staff nor collected arrears of fee from the students.

10. During the course of hearing, on query by the Committee, the representative of the school had stated that the recommendations of the 6th Pay Commission had been implemented partially by paying revised basic salary only. It is noticed from the record that the salary to the staff except the Vice-Principal and one of the teachers are being paid in cash in spite of the school having a bank account. The Committee also observed that the salary registers had been prepared freshly, after the Committee started examining the issue. As regards the development fee, the representative of the school stated that the school had not charged development fee from the students.

11. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:



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T.N. Public School, Krishan Vihar, Delhi - 110 041

Class	Medium of instructions	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	Hindi	285	385	100	350	-35
	English	365	465	100	425	-40
II	Hindi	285	385	100	375	-10
	English	365	465	100	450	-15
III	Hindi	295	395	100	400	05
	English	415	515	100	475	-40
IV	Hindi	295	395	100	425	30
	English	415	515	100	500	-15
V	Hindi	305	405	100	425	20
	English	415	515	100	525	10
VI	Hindi	340	440	100	425	-15
	English	460	560	100	525	-35
VII	Hindi	340	440	100	450	10
	English	460	560	100	550	-10
VIII	Hindi	350	450	100	460	10
	English	460	560	100	560	Nil
IX	Hindi	460	560	100	600	40
	English	560	760	200	725	-40
X	Hindi	525	725	200	1000	275
	English	625	825	200	1100	275

12. From the above, it is manifest that the school had increased the fee during the year 2009-10, in terms of the order of the Director of Education dated 11.02.2009 for all classes. During the year 2010-11, fee was reduced for some of the classes, while for others, the hike was

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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T.N. Public School, Krishan Vihar, Delhi - 110 041

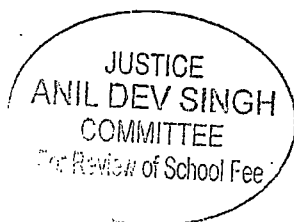
within the tolerance limit of 10% except class X, in respect of which the fee was increased by Rs.275/-, much above the tolerance limit of 10%.

13. The school has not been able to show that the school has implemented the recommendations of the 6th Pay Commission fully as per the prescribed norms. In case, the school had implemented the recommendations of the 6th Pay Commission, it would have paid salary to the teachers by cheque. In order to conceal their failure to implement the report of the 6th Pay Commission, the school has been resorting to the stratagem of paying the salary in cash.

14. As per record filed before us, the school has not charged development fee from the students.

RECOMMENDATION**Re. Fee Hike**

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of

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[Signature]
Secretary

T.N. Public School, Krishan Vihar, Delhi - 110 041

the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10, in excess of 10%, ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

However, since in 2010-11 the fee hike by the school was less than the normal in most of the classes, no ripple effect is being recommended.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

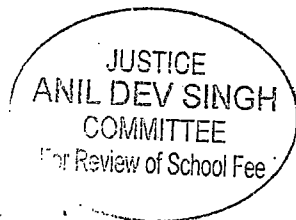
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 02.06.2014



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Goodwill Public School, Uttam Nagar, New Delhi - 110 056

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

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COMMITTEE
for Review of School Fee

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Goodwill Public School, Uttam Nagar, New Delhi - 110 056

4. With a view to verify the returns, the Office of the Committee vide its notice dated 07.08.2012 required the school to appear on 24.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 24.08.2012, Shri Jaikishan Dhar, dealing assistant of the school attended the Office of the Committee. He submitted reply to the questionnaire. As per the reply, the school had not fully implemented the recommendations of the 6th Pay Commission w.e.f. January, 2010 and had hiked the fee from April, 2010 in terms of the order of the Director of Education dated 11.02.2009.
6. The record, in the first instance, was examined by Shri A.K. Bhalla, Audit Officer of the Committee. He noticed that the school had not produced complete record of the school. The school was provided opportunity on 10.09.2012, 25.09.2012 and 26.09.2012 to produce the complete records of the school and ultimately produced the record. After examining the complete records, the aforesaid Audit Officer observed to the effect that: -

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For Review of School Fee

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Secretary

Goodwill Public School, Uttam Nagar, New Delhi - 110 056

- (i). The school claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. January, 2010, but D.A., T.A. and H.R.A., had not been paid as per the prescribed norms of 6th Pay Commission.
- (ii). The school had increased tuition fee in 2009-10, ranging from 17.22% to 21.27% for different classes. During 2010-11, the hike was from 8.80% to 20.95%.
7. By notice dated 02.04.2014 the school was asked to appear on 30.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 30.04.2014, Mrs. Neelam Malhotra, HM, Shri S.K. Sharma, Part Time Accountant and Shri J.K. Dhar, Accounts Assistant of the school appeared before the Committee and provided the records. The representatives of the school filed a written submission dated 30.04.2014, conceding that the report of the 6th Pay Commission has not been implemented. They contended that the school did not hike the fee as per the order of the Director of Education dated 11.02.2009, but on examination of the records, the Committee noticed that for classes pre-

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Goodwill Public School, Uttam Nagar, New Delhi - 110 056

primary to class V, the fee was hiked to the maximum permissible extent as per the aforesaid order. For classes VI to VIII, the hike was between 17.3% and 18.8%, which was in excess of the tolerance limit of 10%. The fee in 2010-11 was also increased substantially except for classes pre-primary, classes I and II. The school filed reply to the questionnaire regarding development fee, contending that the same was not charged from the students.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
Pre nursery	400	450	50	550	100
Pre primary	400	500	100	550	50
I	450	550	100	600	50
II	475	575	100	625	50
III	475	575	100	660	85
IV	500	600	100	700	100
V	500	600	100	725	125
VI	530	630	100	725	95
VII	530	630	100	750	120
VIII	575	675	100	770	95

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Secretary

Goodwill Public School, Uttam Nagar, New Delhi - 110 056

10. From the above, it is manifest that the school has increased the fee for classes Pre-Primary to V during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. However, for remaining classes, the hike had been in excess of the permissible limit of 10%. During 2010-11, the fee hike had been more than 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission as admitted during the course of hearing before the Committee.

12. As per record produced before us, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee for classes Pre-Primary to V during the years 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit



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Goodwill Public School, Uttam Nagar, New Delhi - 110 056

of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in 2009-10 in excess of 10% for the aforesaid classes, ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Since, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 12.05.2014



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Secretary

Adarsh Public School, Shyam Enclave, Dinpur, Najafgarh, New Delhi-54

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 but had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

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ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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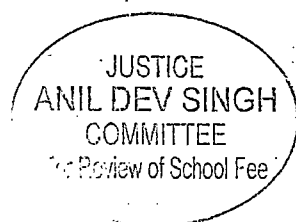
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Adarsh Public School, Shyam Enclave, Dinpur, Najafgarh, New Delhi-54

4. With a view to verify the returns, the Office of the Committee vide its notice dated 07.08.2012 required the school to appear on 24.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. The Manager of the school attended the office of the Committee on 24.08.2012 and requested to extend the date for the verification of the records. The Committee, vide notice date 27.08.2012 provided final opportunity to the school to produce its financials for verification on 10.09.2012.

5. On 10.09.2012, Shri Shri Pal Singh, T.G.T. of the school appeared before the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2012 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri A.K.Vijh, Audit Officer of the Committee. He observed to the effect that: -



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Adarsh Public School, Shyam Enclave, Dinpur, Najafgarh, New Delhi-54

- (i). The school had increased tuition fee in 2009-10, by Rs.100/- for different classes. During 2010-11, the hike was by Rs.50/- to Rs.85/-.
- (ii). The school had claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. April 2012, but did not produce salary register for April 2012 for verification.

7. By notice dated 02.04.2014 the school was asked to appear on 30.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 30.04.2014, Shri Shri Pal, T.G.T. of the school appeared before the Committee and provided the records. The representative of the school filed a letter dated 30.04.2014, contending that the school had not charged development fee from the students. He also filed a comparative chart of fee structure for the years 2007-08 to 2010-11. As per the fee structure the school had hiked the fee by Rs.100/- in 2009-10 for all classes in terms of the order dated 11.2.1009 of the Director of Education. During 2010-11 the hike had been within the range of 10%. The school had not implemented report of the 6th.Pay Commission.



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Adarsh Public School, Shyam Enclave, Dinpur, Najafgarh, New Delhi-54

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	250	350	100	380	30
II	270	370	100	400	30
III	290	390	100	430	40
IV	310	410	100	450	40
V	330	430	100	470	40
VI	350	450	100	490	40
VII	370	470	100	510	40
VIII	390	490	100	540	50
IX	450	550	100	610	60
X	500	600	100	600	60

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the fee hike had been within 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission.

12. The school has not charged development fee from the students.

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Adarsh Public School, Shyam Enclave, Dinpur, Najafgarh, New Delhi-54

RECOMMENDATION**Re. Fee Hike**

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 13.05.2014



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Secretary

Sant Kirpal Model School, Najafgarh, New Delhi-110043

The school had not replied to the questionnaire sent by the Committee to the school by email on 27/02/2012 which was followed by a reminder dated 27/03/2012. However, the annual returns filed by the school under Rule 180 of Delhi School Education Rules 1973 were received from the office of Dy. Director of Education, Distt. South West-B of the Directorate of Education. On prima facie examination of the records, it appeared that the school had hiked the fee as per order dated 11/02/2009 issued by the Director of Education but had not implemented the VI Pay Commission Report. On the basis of this reply, the school was placed in Category 'A'.

The Committee vide its letter dated 07/08/2012 required the school to produce on 24/08/2012, its fee and salary records and detail of arrear fee received from the students. The school was also required to submit its reply to the questionnaire dated 27/02/2012 issued by the Committee. On the scheduled date, Ms. Gulshan Bhardwaj, a PGT of the school, appeared and produced the required records. She also filed reply to the questionnaire dated 27/02/2012.

As per the reply, the school claimed to have implemented the VI Pay Commission report prospectively w.e.f. December 2009. It was further claimed that the monthly salary for the pre implementation period was Rs. 2,19,611 which rose to Rs. 4,17,124 consequent to implementation of VI Pay Commission report. It was also stated that

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neither arrear fee was recovered from the students nor the arrears salary was paid to the staff.

With respect to hike in regular fee, it stated that the same had been hiked w.e.f. April 2009 in terms of the order dated 11/02/2009 issued by the Director of Education. It enclosed details of fee charged from the students, classwise for the years 2008-09 and 2009-10.

On perusal of the details of tuition fee hiked by the school, the Committee observes that the school hiked the fee w.e.f. 01/04/2009 as follows:

Class	Monthly Tuition Fee in 2008-09 (Rs.)	Monthly Tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)	Percentage hike
I	425	525	100	23.53%
II	450	550	100	22.22%
III	475	575	100	21.05%
IV	510	710	200	39.22%
V	535	735	200	37.38%
VI	575	775	200	34.78%
VII	595	795	200	33.61%
VIII	630	830	200	31.74%
IX	720	920	200	27.77%
X	780	980	200	25.64%

The records produced by the school were examined by Sh. A.D. Bhateja, audit officer of the Committee. He , inter alia, observed as follows:

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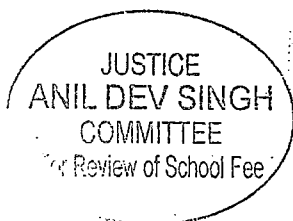
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Sant Kirpal Model School, Najafgarh, New Delhi-110043

- (a) On verification of fee records of the school, the tuition fee charged was found to be in agreement with the fee schedules of the school. The hike in fee in 2009-10 was as per the order dated 11/02/2009 issued by the Director of Education. However, no arrear fee was charged by the school in terms of the said order.
- (b) The school hiked the development fee which in relative terms amounted to a hike of 98.95% to 247.36% for different classes.
- (c) On checking of salary register, it was found that DA was not being paid according to rules. The salary was being paid by cheques. No arrear of salary had been paid by the school.

In order to provide an opportunity of being heard by the Committee, the school was issued a notice dated 02/04/2014, to appear before the Committee on 25/04/2014. A questionnaire to elicit information specifically about receipt of development fee, its utilisation and maintenance of development fund and depreciation reserve fund, was also issued to the school. Vide the aforesaid notice, the school was required to furnish complete break up of fee revenue, expenditure on salary, statement of account of the trust/society running the school, details of accrued liabilities of gratuity/leave encashment, if applicable and copy of circular issued to the parents for fee hike for implementation of VI Pay Commission report. The school was also

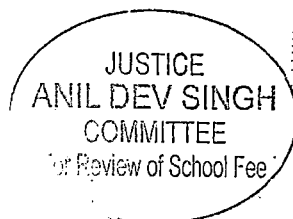


Sant Kirpal Model School, Najafgarh, New Delhi-110043

required to produce its complete financial records for examination by the Committee.

On the scheduled date, Ms. Gulshan and Sh. S.J. Pandey, Administrative Director of the school appeared and filed a letter dated 25/04/2014 requesting for a fresh date on grounds of illness of the Chairman of the school. Accordingly, a fresh notice dated 02/05/2014 was issued to be school for hearing on 13/05/2014. On this date, Sh. Gopi Ram Bhardwaj, Chairman, Ms. Gulshan Bhardwaj, PGT and Sh. Vasudev Sharma, Accountant of the school, appeared and filed written submissions dated 12/05/2014. They were also orally heard by the Committee. They contended as follows:

- (a) The school is running in an unauthorized colony, namely, "Shiv Enclave, Najafgarh" which is inhabited by parents of low income group and as such the school is charging very low fee.
- (b) In 2009-10, the school hiked the tuition fee in terms of the order of Director of Education but in all other years from 2006-07 to 2010-11, the hike in fee was within 10% or marginally more.
- (c) The tuition fee so charged was never sufficient even to meet the salary as per the V Pay Commission. The school implemented the VI Pay Commission only partially under compulsion from the Education Department. The hike in



Sant Kirpal Model School, Najafgarh, New Delhi-110043

tuition fee of Rs. 100 per month and Rs. 200 per month was not sufficient to meet the increased liability arising even on partial implementation of VI Pay Commission report.

- (d) There was a big mismatch in the amount of aggregate tuition fee and aggregate salary and the shortfall was partially met by taking aid from the parent society, as follows:

Particulars	F.Y. 2008-09	F.Y. 2009-10	F..Y. 2010-11
Expenditure on salary	29,04,761	33,53,984	59,90,551
Tuition Fee revenue	16,21,065	22,56,590	37,40,510
Shortfall	12,83,696	10,97,394	22,50,041
Aid from society	10,26,000	5,50,000	8,70,000

- (e) The school had accrued liabilities for gratuity amounting to Rs. 5,87,493 and leave encashment amounting to Rs. 2,98,430, as on 31/03/2010, which ought to be considered by the Committee while examining the justification of fee hike.

Discussion & Determination:**Tuition Fee:**

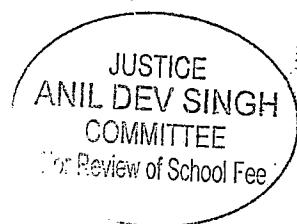
The Committee has examined the returns filed by the school under Rule 180 of Delhi School Education Rules, 1973, the reply to the questionnaire, the observations of the audit officer and the submissions made by the school during the course of hearing. The

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for Review of School Fee

Sant Kirpal Model School, Najafgarh, New Delhi-110043

Committee also examined the salary records and books of accounts of the school during the course of hearing. While examining these records, the Committee observed that the school was not making payment of salary by cheque to all the staff members. The observation of the audit officer of the Committee in this regard were contrary to the record produced by the school. The Committee observed that the school was making payment of almost 50% of the total salary in cash, even after the purported implementation of VI Pay Commission report. The VI Pay Commission report was purportedly implemented w.e.f. December 2009 but the Committee found that the salary to all the staff members for the month of January 2010 amounting to Rs. 3,86,238 was paid in cash. Similarly, the entire salary for March 2010 amounting to Rs. 4,05,768, for May 2010 amounting to Rs. 2,74,576, for June 2010 amounting to Rs. 4,66,857 and for February 2011 amounting to Rs. 4,28,277 was paid in cash. In the remaining months also, large chunks of salary was paid in cash. Earlier in 2008-09, out of the total salary expenditure of Rs. 27,98,178 for the whole year, a sum of Rs. 19,44,105 was paid in cash.

The representatives of the school did not offer any explanation as to why large chunks of salary were being paid in cash when many staff members were paid by cheques or by bank transfer.



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Sant Kirpal Model School, Najafgarh, New Delhi-110043

The Committee is of the view that the school, in fact, did not implement the VI Pay Commission report, but merely showed its implementation in papers to satisfy the Department of Education. This was done by showing payments to a number of teachers in cash and to offset the cash shortfall in the books, corresponding amounts were shown as aid from the society, which was also shown as having been received in cash in all the three years as mentioned above.

In view of the finding of the Committee that the school, did not in fact implement the VI Pay Commission report, no consideration can be given to the contention of the school that it had accrued liabilities of gratuity and leave encashment which ought to be considered by the Committee. In the absence of implementation of VI Pay Commission report, the school was not in requirement of any additional funds and it ought to have restricted its fee hike in 2009-10 also upto 10%, as it did in other years. However, the school took advantage of the permission granted by the Director of Education to hike the fee by Rs. 100 per month and Rs. 200 per month for different classes, which was much in excess of 10%. The Committee is of the view that the school ought to refund the tuition fee hiked by it w.e.f. 01/04/2009, in so far as it exceeds 10%, along with interest @ 9% per annum from the date of collection to the date of refund. Since the fee unjustifiably hiked in 2009-10 is also part of the fee for the subsequent years, the school ought to refund the fee for the subsequent years also, in so far as it is

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ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Sant Kirpal Model School, Najafgarh, New Delhi-110043

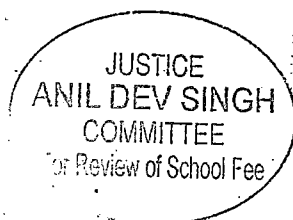
relatable to the fee of 2009-10 which was unjustifiably hiked. This should also be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

Development Fee:

In reply to the questionnaire regarding development fee, the school stated that the development fee was introduced in 2008-09. The school furnished details of collection of development fee and its utilisation from 2008-09 to 2010-11. It further mentioned that the development fee was treated as a revenue receipt in the accounts and no depreciation reserve fund or development fund was maintained by the school by way of earmarked bank account or FDRs or investments. This was stated to be on account of the fact that the school had spent all the development fee on purchase of fixed assets and for meeting the deficit in payment of salary.

The following details were furnished by the school regarding collection and utilisation of development fee:

Particulars	F.Y. 2008-09	F.Y. 2009-10	F.Y. 2010-11
Development fee received	1,08,025	3,32,615	5,32,150
Utilised for purchase of fixed assets	13,120	1,41,670	3,54,141
Utilised for meeting salary deficit(balancing figure)	94,905	1,90,945	1,78,009



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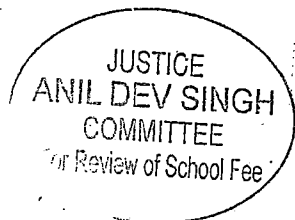
The Committee is of the view that the school was not fulfilling any of the pre conditions laid down by the Duggal Committee which were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. One of the pre conditions is that the development fee is to be treated as a capital receipt, while the school has treated the same as a revenue receipt. Second, development fee is to be utilised for purchase of furniture, fixtures or equipments but the school admittedly utilised the same for meeting the shortfall in salary. Third, the school can charge development fee only if it maintains separate development fund account and depreciation reserve fund account. The school admittedly does not maintain such accounts.

In view of the foregoing, the Committee is of the view that the development fee charged by the school for the years 2009-10 and 2010-11, in pursuance of order dated 11/02/2009 issued by the Director of Education, ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

Recommendations:

In view of the above discussion, the Committee makes the following recommendations:

- 1. The school ought to refund the hike in tuition fee, amounting to Rs. 100 per month for classes I to III and**



Sant Kirpal Model School, Najafgarh, New Delhi-110043

- Rs. 200 per month for classes IV to X, effected in the year 2009-10, along with interest @ 9% per annum from the date of collection to the date of refund.
2. The school ought to refund part of the tuition fee for years subsequent to 2009-10, in so far as it relates to the hike of 2009-10, which the Committee has recommended to be refunded, as per supra , along with interest @ 9% per annum from the date of collection to the date of refund.
3. The school ought to refund the development fee of Rs. 3,32,615 charged in 2009-10 and Rs. 5,32,150 charged in 2010-11 along with interest @ 9% per annum from the date of collection to the date of refund.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 29/05/2014



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Secretary

Chowgule Public School, Faiz Road, Karol Bagh, New Delhi-110005

Initially, the school had not replied to the questionnaire sent by the Committee to the school by email on 27/02/2012 which was followed by a reminder dated 27/03/2012. Complete annual returns that might have been filed by the school under Rule 180 of Delhi School Education Rules 1973 were also not received from the office of Director of Education. In order to proceed with the matter, the Committee issued a letter dated 07/08/2012 to the school, requiring it to produce copies of returns filed under Rule 180 of Delhi School Education Rules, 1973, copies of fee statements filed by the school under Section 17(3) of the Delhi School Education Act, 1973, the fee receipts and registers, salary payment registers and detail of arrear fee received. All these records were requisitioned for the years 2008-09 to 2010-11. The school was also required to file reply to the questionnaire dated 27/02/2012 issued by the Committee.

On the date fixed i.e. 24/08/2012, Mr. Prabhakar, Administrative Officer and Mr. Manosh Sirkar, Accountant of the school attended the office of the Committee and produced the required records. Reply to questionnaire dated 27/02/2012 was also filed. As per the reply submitted by the school, the school had prospectively implemented the VI Pay Commission report with effect from 01/04/2009 and had also hiked the fee in terms of order dated 11/02/2009 issued by the Director of Education. It was further stated that the arrear salary was not paid as per the policies and decision of

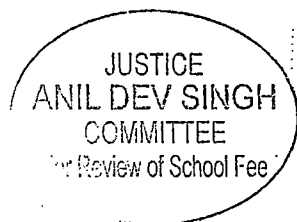


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the management of the school. It was also stated that the school had not collected the arrear fee for the period 01/01/2006 to 31/03/2009 as envisaged in the aforesaid order of the Director of Education. In support of its contention that the VI Pay Commission had been implemented, the school filed copies of its pay bill register for the months of July and August 2009 to show that the monthly salary bill of the school had increased from Rs. 4,21,345 to Rs. 6,48,174 due to implementation of VI Pay Commission report.

The records produced by the school were examined by Sh. N.S. Batra, audit officer of the Committee and he observed as follows:-

- (a) That the school hiked the fee in the year 2009-10 in pursuance of order dated 11/02/2009 issued by the Director of Education, Delhi. The hike was to the tune of Rs. 1050 per quarter for all the classes across the board.
- (b) In 2010-11, also the school hiked the fee by 15% over the fee for the year 2009-10. However, the school had not hiked any fee in the year 2008-09.
- (c) Although the school claims to have implemented the recommendations of the VI Pay Commission report but on examination of salary register, it is apparent that house rent allowance and transport allowance were not being paid in terms of the recommendations of the VI Pay Commission.



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(d) The monthly salary bill of the school had risen from Rs. 4.28 lacs to Rs. 6.57 lacs on implementation of VI Pay Commission report.

In order to provide an opportunity of being heard by the Committee, the school was issued a notice dated 11/02/2014, to appear before the Committee on 21/03/2014, which was postponed to 26/03/2014. A questionnaire to elicit information specifically about receipt of development fee, its utilisation and maintenance of development fund and depreciation reserve fund, was also issued to the school. Vide the aforesaid notice, the school was required to furnish complete break up of fee revenue, expenditure on salary, statement of account of the trust/society running the school, details of accrued liabilities of gratuity/leave encashment, if applicable and copy of circular issued to the parents for fee hike for implementation of VI Pay Commission report. The school was also required to produce its complete financial records for examination by the Committee.

On the scheduled date, Mr. Prabhakar Gawandi, Senior Administrative Officer of the school appeared with Mr. Manosh Kumar Sirkar, Administrative Officer (Accounts). They filed the details as asked for by the Committee. They also filed reply to the questionnaire regarding development fee, contending that the school was not charging any development fee from the students.

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During the course of hearing, the representatives of the school reiterated that the school had not recovered any arrear fee from the students and therefore, had not paid the arrear salary to the staff. They also conceded that the VI Pay Commission was implemented only partially with effect from 01/04/2009. However, they stated that the payment of salary was being made by way of direct transfer to the accounts of the staff and proper deduction of TDS are made from the salaries paid.

The Committee, at the time of hearing, perused the balance sheet of the school as on 31/03/2009 and was of the prima facie view that the school had substantial fund of its own to be able to absorb the impact of partial implementation of VI Pay Commission, prospectively from April 2009 atleast for the year 2009-10 and apparently there was no need for the school to hike the fee. However, the representatives of the school submitted that though the future liabilities of the school for gratuity would be met by Life Insurance Corporation of India, the liability for past service was not yet discharged and was not accounted for in the balance sheet also. They further contended that the accrued liability for leave encashment had also not been provided in the balance sheet and therefore, the funds position that was discernible from the balance sheet was not correct and the liabilities as aforesaid needed to be taken into account. The Committee also observed from the balance sheet of the school that the

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school had diverted funds to its parent society. In order to arrive at the appropriate conclusions regarding the justifiability of the fee hike, the Committee required the school to file evidence regarding liability of gratuity for past service and the calculations of the accrued liability of leave encashment as on 31/03/2009 and 31/03/2010. The school was also directed to file ledger account of the society as appearing in its books. The school filed the requisite details under cover of its letter dated 05/05/2014.

Discussion & Determination:

The Committee has examined the annual returns filed by the school under Rule 180 of Delhi School Education Rules, the reply to the questionnaire, the observations of the audit officer and the information and documents furnished by the school during the course of hearing.

The Committee is of the view that though the school did not fully implement the VI Pay Commission report, it substantially implemented the same. Further, on examination of the books of accounts and salary records of the school, the Committee is satisfied that whatever hike in salary was effected, the school is showing in its accounts and the same has actually been paid by it as the same is paid through banking channels and proper deductions of TDS have been made. Therefore, the Committee has to examine the justifiability



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of the fee hike by making appropriate calculations. The total annual expenditure on salary on partial implementation of VI Pay Commission report rose from Rs. 49,91,077 in 2008-09 to Rs. 76,77,826 in 2009-10. Thus the school had to incur an additional expenditure of **Rs. 26,86,749** towards salary on account of partial implementation of VI Pay Commission report. At the same time, the school generated an additional revenue on account of fee to the tune of **Rs. 33,95,379** by resorting to fee hike in terms of order dated 11/0/2009 issued by the Director of Education, as it is evincible from its Income & Expenditure Account for the year 2009-10 that the fee revenue of the school rose from Rs. 92,41,951 in 2008-09 to Rs. 1,26,37,330 in 2009-10.

It would now be profitable to examine the fund position of the school as on 31/03/2009. The total funds available with the school as on that date were Rs. 76,09,585, as per the following calculations:

Statement showing Fund availability of as on 31-03-2009			
	Particulars	Amount (Rs.)	Amount (Rs.)
	<u>Current Assets + Investments</u>		
	Cash in hand	102,099	
	Cash At Bank	1,947,702	
	Fixed Deposits	6,080,000	
	Loan to Maratha Mitra Mandal	1,907,121	
	Total Liquid Assets		10,036,922
Less:-	<u>Current Liabilities</u>		
	Security Received	2,389,735	
	Sundry current liabilities	37,602	2,427,337
	Net Current Assets + Investments		7,609,585

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These figures are extracted from the audited balance sheet of the school, which the Committee has no reasons to doubt. However, the Committee has taken a view that the entire funds available with the school ought not to be considered as available for implementation of VI Pay Commission report. The school ought to have sufficient funds in reserve for meeting any future contingencies and for meeting its accrued liabilities for gratuity and leave encashment as these are statutory liabilities. As per the audited Income & Expenditure Account for the year 2009-10, the total expenditure on salary for the whole year was Rs. 76,77,826. Based on this, the requirement of the school for keeping funds in reserve for future contingencies equivalent to four months salaries works out to Rs. 25,59,275. Further, the school has filed copy of evaluation done by Life Insurance Corporation of India as on 01/06/2010, which certifies the liability of gratuity for past service of the employees at Rs. 35,94,705. The school has filed an employee wise calculation showing that its accrued liability for leave encashment as on 1st July 2010 was Rs. 12,96,620. The Committee has examined the same.

Accordingly, in view of the Committee, out of the total funds available, the school ought to keep the following amounts in reserve:

Reserve for future contingencies	25,59,275
Accrued liability of gratuity as on 31/03/2010	35,94,705
Accrued liability of leave encashment on 31/03/2010	12,96,620
Total funds to be kept in reserve	74,50,600



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Thus, in view of the Committee, the school had available with it funds amounting to only **Rs.1,58,985** (76,09,585 - 74,50,600) at the threshold, which could have been used for implementation of VI Pay Commission report. As noticed supra, the additional expenditure incurred by the school on salary in 2009-10 was **Rs. 26,86,749**. Thus there was a shortfall to the tune of **Rs. 25,27,764**, which the school needed to bridge by hiking the fee. However, the school generated a sum of **Rs. 33,95,379** by hiking the fee in terms of the aforesaid order dated 11/02/2009.

In view of the aforesaid determinations, the Committee is of the view that the school hiked more fee than was required to implement the VI Pay Commission report, to the extent it did. The excess revenue generated on account of fee hike amounts to **Rs. 8,67,615**, which the school ought to refund along with interest @ 9% per annum from the date of collection to the date of refund. The Committee notes that the school was not charging any development fee.

Recommendations:

In view of the above determinations, the Committee recommends that the school ought to refund an amount of Rs. 8,67,615 to the students which was recovered by it in excess of



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its requirements along with interest @ 9% per annum from the date of collection to the date of refund.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014



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In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide letter dated 02/03/2012 stated that it had implemented the VI Pay Commission Report w.e.f. 01/04/2009. In support of this claim, the school enclosed pay bills for the months of March 2009 and April 2009, to show that the gross monthly salary increased from Rs. 10,02,151 to Rs. 24,00,412. With regard to arrears salary, it stated that the same was not paid to the staff as no arrears of fee were charged from the parents of the students and this arrangement was with the consent of PTA and approval of the Managing Committee of the school.

With regard to question relating to fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, the school stated that the fee had been hiked in accordance with the said order w.e.f. April 2009. It enclosed the fee structures for the years 2008-09 and 2009-10 showing the hike in fee w.e.f. 01/04/2009. Accordingly, the school was placed in Category 'B'.

A perusal of the fee structures for the aforesaid two years shows that the school hiked the fee in 2009-10, to the following extent.

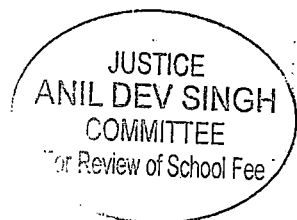
Class	Monthly tuition Fee in 2008-09 (Rs.)	Monthly tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)
I to VIII	1000	1200	200
IX & X	1050	1350	300
XI & XII	1200	1500	300

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Another feature that was noticed from the fee schedules of the two years was that while in 2008-09, the school did not charge development fee, in 2010-11, the same was charged @ Rs. 2000 per annum from all the students.

Preliminary calculations of funds available with the school, the additional funds generated by way of fee hike and the additional burden on account of implementation of VI Pay Commission report were made by the Chartered Accountants (CAs) detailed with the Committee. On a scrutiny of the same, the Committee observed that the aggregate increased fee in 2009-10 as taken by the CAs was Rs. 54,31,200, which did not accord with the figures as available in the audited financials of the school. As per the audited financials, the school augmented its fee income by Rs. 1,80,18,945 in 2009-10 as compared to 2008-09. As there was a huge variation in the calculations made by CAs and the audited financials of the school, the calculations made by the CAs were discarded. The Committee directed one of its audit officer to make revised calculations on the basis of the audited financials of the school. Accordingly, she prepared a revised calculation sheet which is as follows:

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Statement showing Fund available as on 31-03-2009 and funds generated by way of fee hike in 2009-10 and additional expenditure on salary in 2009-10 on implementation of VI Pay Commission report			
	Particulars	Amount (Rs.)	Amount (Rs.)
	Current Assets+ Investments		
	Cash in hand	203,894.26	
	HDFC Bank	78,948.33	
	PNB	1,076,474.00	
	Loans & Advances		
	Advance Function Booking	179,776.00	
	Investment		
	FDR with Bank	2,339,051.00	3,878,143.59
Less :-	Current Liabilities		
	PF Payable	53,816.00	
	Indocount Finance Ltd.	32,062.00	
	United Scientific Company	41,664.00	
	Income Tax TDS	1,612.00	
	Govt. Grant for plants	13,798.00	142,952.00
	Net Current Assets+ Investments		3,735,191.59
	Add Increase in fee during 2009-10		
	Fee for 2009-10 as per Income & Expenditure Account	35,717,195.00	
	Less: Fee for 2008-09 as per Income & Expenditure Account	17,698,250.00	18,018,945.00
			2,17,54,136.59
	Less Increase in salary during 2009-10		
	Salary for 2009-10 as per Income & Expenditure Account	27,973,311.00	
	Less: Salary for 2008-09 as per Income & Expenditure Account	13,249,266.00	14,724,045.00
	Excess funds generated by hiking fee		7,030,091.59

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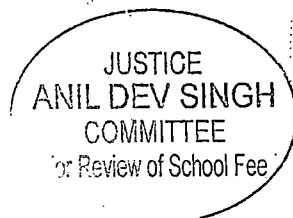

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In order to provide an opportunity of being heard to the school, the Committee issued a notice dated 23/12/2013, requiring the school to appear before the Committee on 20/01/2014. The aforesaid calculation sheet was also sent to the school for its comments. A questionnaire seeking information regarding collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund was also issued to the school.

On the scheduled date, Sh. Deepash Gupta, Manager of the school appeared with Sh. Shashank Jain, Chartered Accountant. They filed written submission dated 20/01/2014 and they were also heard by the Committee. In the written submissions filed by the school and during the course of oral hearing, the representatives of the school contended that:

- (a) The fee was hiked after approval in the general body meeting of PTA on 23/04/2009.
- (b) The teachers working in the school gave personal declaration that they would not claim arrears of salary consequent to implementation of the VI Pay Commission report.
- (c) The preliminary calculations made by the Committee were not correct for the following reasons:
 - (i) FDR with bank amounting to Rs. 23,39,051 includes FDR for Rs. 16.00 lacs which ought not to have been considered as available for



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implementation of VI Pay Commission report as the same was held as per "Affiliation by laws" of Central Board of Secondary Education and the same was held in the joint names of Dy. Director of Education and the school.

- (ii) The school needs to keep certain amount of funds to meet its working capital requirements and therefore, the entire amount should not have been considered as available for implementation of VI Pay Commission report.
- (iii) The school has about 23 staff members who have completed more than five years service and thus are entitled for gratuity. The Committee had made no provision for accrued liability of gratuity in the preliminary calculations. Similarly no provision has been made for accrued liability of leave encashment. The school was in the process of getting actuarial valuation for these liabilities and the Committee should allow the school time upto 28/02/2014, by which the process would be completed.
- (iv) The hike in fee in 2009-10 was not only because of increase in fee but also because of the increase in student strength which rose from 1567 in 2008-09

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to 2030 in 2009-10. The staff strength also increased by 17 teachers in 2009-10 on account of increase in student strength.

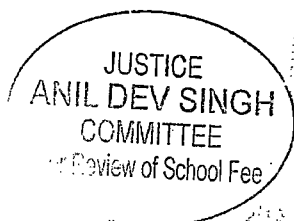
- (v) If the above factors are considered, the result would be that there was no unjustified hike in fee.

Acceding to the request of the school, the Committee gave liberty to the school to file actuarial valuation of gratuity within 15 days. The school filed the same under cover of its letter dated 03/02/2014. The valuation of gratuity liability as on 31/03/2010 as made by Sh. Bhoodev Chatterjee, Actuary was **Rs. 34,19,316.**

Discussion & Determination:**Tuition Fee:**

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the two questionnaires issued by the Committee, the calculation sheet prepared by the audit officer of the Committee and the written and oral submissions made by the representatives of the school during the course of hearing.

The Committee finds that the school has not faulted the calculations made by the Committee, except in respect of the additional revenue generated by fee hike and the additional



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expenditure incurred by it on account of implementation of VI Pay Commission report. These two issues will be discussed in the succeeding paragraph. The only contention of the school is that the entire funds available with it ought not to be considered as available for implementation of VI Pay Commission report as the school needs to keep reserves for accrued liability of gratuity and for working capital.

The contention of the school that the difference in fee revenue and salary expenditure between 2008-09 and 2009-10 was not only on account of fee hike and implementation of VI Pay Commission report but was also on account of increase in number of students and number of teachers, is self balancing. While it is true that the fee hike resulted in an additional revenue, which was much less than the total differential in fee in the two years, as was also observed by the Committee while perusing the calculation sheet prepared by the CAs, the school did not make a similar concession while furnishing the figures for hike in salary on account of implementation of VI Pay Commission report. As per the information furnished by the school, the expenditure on salary rose from Rs. 10,02,151 in March 2009 to Rs. 24,00,412 in April 2009. This shows that the hike in salary claimed by the school on account of implementation of VI Pay Commission report was Rs. 13,98,261 per month which in percentage terms translates to a hike of 140%. This is absurd. Obviously the

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entire hike was not on account of implementation of VI Pay Commission report but was also on account of increase in staff strength. The school wanted the Committee to consider the fee hike only in respect of the existing student strength as in 2008-09 while the additional expenditure on salary on the basis of the increased staff strength. In fact, this was a folly committed by the CAs detailed with the Committee and was the reason why the Committee discarded the calculations made by them. The method adopted by the Committee by taking the actual fee and actual salary as per the audited financials of the school, addresses both the issues i.e. increase in fee revenue due to hike in fee and increase in student strength and the increase in salary expenditure due to implementation of VI Pay Commission report and increase in staff strength.

However, the Committee agrees with the contention of the school that the entire funds available with it ought not be considered as available for implementation of VI Pay Commission report and the school ought to retain funds in reserve to meet its accrued liabilities of gratuity and for keeping reserve for future contingencies. These will be duly factored in while making the final determinations. The Committee also accepts the contention of the school that FDRs for Rs. 16.00 lacs held jointly with the Director of Education, ought not be considered as part of funds available.

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Bal Bhawan Public Sr. Sec. School, Laxmi Nagar, Delhi-110092Determination:

In view of the foregoing discussion, the Committee makes the following determinations:

Particulars		Amount (Rs.)
Funds available as on 31/03/2009 (as per the calculation sheet	37,35,192	
Less FDRs held jointly with Director of Education	<u>16,00,000</u>	21,35,192
Add Additional fee in 2009-10		<u>1,80,18,945</u>
		2,01,54,137
Less Additional salary in 2009-10		<u>1,47,24,045</u>
		54,30,092
Less Accrued liability for gratuity as on 31/03/2010		<u>34,19,316</u>
Surplus funds		20,10,776

As per the above determination, the school had generated surplus funds to the tune of Rs. 20,10,776. However, the Committee notes that the monthly salary bill of the school after implementation of VI Pay Commission report was about Rs. 24.00 lacs. The Committee has taken a view that the school ought to retain funds equivalent to four months' salary for future contingencies. Based on this, the requirement of school for future contingencies works out to Rs.94.00 lacs (Rs. 93,24,437, to be exact). In view of this, the surplus generated by the school to the tune of Rs. 20,10,776 was inadequate for maintaining a reasonable reserve. The Committee, therefore, is of the view that the tuition fee hike effected by the school was not unjustified and therefore calls for no intervention.

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Development Fee:

In reply to the questionnaire regarding development fee, the school contended that till 2008-09, it was not charging any development fee but it started charging the same from 2009-10 onwards. The development fee charged in 2009-10 was Rs. 36,07,290 while that charged in 2010-11 was Rs. 45,22,180. The school stated that out of the development fee charged in 2009-10, a sum of Rs. 35,79,472 was utilised for purchase, upgradation and replacement of furniture, fixtures and equipments. Similarly in 2010-11, the school utilised a sum of Rs. 33,61,099 for these purposes. It was further stated that development fee was treated as a capital receipt. With regard to maintenance of depreciation reserve fund, the school contended that no depreciation had been charged on assets created from development fee and hence no depreciation reserve fund was kept in earmarked bank account, or FDRs or investments. Similarly in respect of unutilised development fund, it was stated that no separate bank account was maintained.

The contentions of the school have been examined by the Committee with reference to its audited financials. The Committee finds that the contentions of the school are contrary to the position that emerges from its audited financials. As per the reply to the questionnaire, the following position would emerge:



Bal Bhawan Public Sr. Sec. School, Laxmi Nagar, Delhi-110092

Particulars	F.Y. 2009-10	F.Y. 2010-11
Opening balance of unutilised development fund	0	27,818
Development fee received during the year	36,07,290	45,22,180
Less development fee utilised during the year	35,79,472	33,61,099
Closing balance of unutilised development fund	27,818	11,88,899

However, the audited financials of the school show a completely different picture. The total addition of furniture, fixtures and equipments during the year 2009-10, as reflected in fixed assets schedule was to the tune of Rs. 11,06,931 as against Rs. 35,79,472 mentioned by the school in its reply to the questionnaire. The unutilised development fund being carried forward to next year is Rs. 27,818. This indicates that out of the total utilisation of Rs. 35,79,472, a sum of Rs. 24,72,541 was spent on revenue expenses. Similarly in 2010-11, the total addition of furniture, fixtures and equipments during the year, as reflected in fixed assets schedule was to the tune of Rs. 21,28,631 as against Rs. 33,61,099 mentioned by the school in its reply to the questionnaire. The unutilised development fund being carried forward to next year is Rs. 11,88,899. This indicates that out of the total utilisation of Rs. 33,61,099, a sum of Rs. 12,32,468 was spent on revenue expenses. With regard to depreciation on assets created out of development fee also, the contention of the school that it was not charging any depreciation on

Bal Bhawan Public Sr. Sec. School, Laxmi Nagar, Delhi-110092

these assets, is found to be incorrect as depreciation was indeed charged on these assets and debited to Income & Expenditure Account. The only difference is that the same was credited to depreciation reserve account and shown on the liability side.

The overall picture that emerges with regard to development fee is as follows:

- (i) The school was not maintaining an earmarked development fund account. The unutilised development fund was used for general purposes.
- (ii) The development fund was only partially utilised for purchase or upgradation of furniture and fixture and equipments. A major chunk was spent on revenue expenses.
- (iii) The school was not maintaining any earmarked depreciation reserve fund. Depreciation reserve had only been created in its books of accounts.

The Committee is of the view that the school was not charging development fee in accordance with the pre conditions laid down by the Duggal Committee which were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. In fact the schools can charge the development fee only if it is maintaining a depreciation reserve fund account, which admittedly the school is not maintaining. In view of this discussion, the

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Committee is of the view that the school was not justified in charging development fee in 2009-10 and 2010-11 and the same ought to be refunded along with interest @ 9% per annum. However, to the extent the school was short for keeping a reasonable reserve, allowance ought to be made. The aggregate of development fee charged by the school in 2009-10 and 2010-11 is Rs. 81,29,470. The shortage in funds for maintaining reserve for future contingencies is to the tune of Rs. 73,13,661. The excess amount of development fee ought to be refunded along with interest @ 9% per annum.

Recommendations:

The Committee, therefore, is of the view that the school ought to refund a sum of Rs. 8,15,809 out of the development fee charged in the year 2010-11, along with interest @ 9% per annum from the date of collection to the date of refund.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 29/05/2014



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[Signature]
Secretary

Gyan Bharti School, Saket, New Delhi-110017

The school submitted to the Dy. Director of Education, Distt. South, copies of returns filed by it under Rule 180 of Delhi School Education Rules, 1973 for the years 2006-07 to 2010-11, copies of fee statements for the aforesaid years, details of salary paid to staff before implementation of VI Pay Commission report and after its implementation (including arrears), the details of fee hike effected by it for the purpose of implementation of VI Pay Commission report and copy of circular issued to the parents, requiring them to pay the increased fee. These were transmitted to the Committee by the Dy. Director of Education for its perusal.

Subsequently, the Committee issued a questionnaire dated 27/02/2012, requiring specific and pointed answers to the queries raised by the Committee. In reply thereto, the school, vide its letter dated 01/03/2012 submitted that:

- (a) It had implemented the VI Pay Commission report and the increased salary of the staff was being paid w.e.f. 01/01/2006. Along with the reply, a statement was enclosed which showed that the school had paid the arrears arising out of retrospective application of VI Pay Commission report and such arrears amounted to Rs. 1,84,40,424. The statement also showed that the monthly salary paid to the staff rose from Rs. 17,78,034 before implementation of VI

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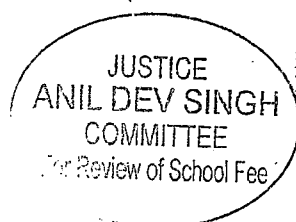
Gyan Bharti School, Saket, New Delhi-110017

Pay Commission report to Rs. 23,73,567 after its implementation.

- (b) It had increased the fee w.e.f. 01/09/2008 in terms of order dated 11/02/2009 issued by the Director of Education and furnished details of pre increase and post increase tuition fee for different classes. From the details submitted, it is apparent that the tuition fee was hiked by Rs. 400 per month for all the classes. (Actually the school hiked the monthly fee w.e.f. 01/04/2009 and recovered the differential fee for the period 01/09/2008 to 31/03/2009 by way of arrears).
- (c) The school recovered lump sum arrears of Rs. 3,500 per student for the period 01/01/2006 to 31/08/2008 and Rs. 2,800 as arrears of differential fee for the period 01/09/2008 to 31/03/2009. The aggregate of arrears recovered for the aforesaid two period amounted to Rs. 1,06,86,718.

Based on the information furnished by the school, it was placed in Category 'B'.

A Preliminary calculation sheet was drawn up by the Chartered Accountant detailed with the Committee (CAs) and as per this calculation sheet, the school had funds amounting to Rs. 57,06,149 at the threshold as on 31/03/2008 and after accounting for the increased fee and increased salary consequent to implementation of VI



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Pay Commission report, the school was in deficit to the tune of Rs. 6,69,153. On reviewing the preliminary calculations of the CAs, the Committee observed that the CAs had taken into account a liability of Rs. 86,75,521 for which no details were available in the balance sheet of the school. Accordingly, the Committee revised the preliminary calculation sheet prepared by the CAs to exclude this liability and after such exclusion, the resultant surplus amount that was available with the school, after meeting all its liabilities on implementation of VI Pay Commission report, worked out to Rs. 80,06,368.

The school was issued a notice dated 26/12/2013 for providing it an opportunity of hearing by the Committee on 23/01/2014. A copy of the preliminary calculation sheet prepared by the Committee was also supplied to the school along with the notice. Vide this notice, the school was also required to furnish a statement of account of the Trust running the school and to provide details of its accrued liabilities for gratuity and leave encashment, if applicable. A questionnaire seeking specific response of the school regarding collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund was also issued. The matter was partly heard on 20/03/2014 when Sh. R.C. Shekhar, Director of the school appeared along with Sh. H.L. Sekhri, Chartered Accountant and Sh. Dheeraj Sachdeva, Accounts Incharge. During

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the course of hearing, the school filed written submissions dated 20/01/2014 and also further information, as required by the Committee. The school disputed the figure of funds available as on 31/03/2008 on the ground that in the preliminary calculation sheet, the other liabilities amounting to Rs. 86,75,521 had not been taken into account. The school provided groupings of figures appearing in balance sheet and Income & Expenditure Accounts.

The school provided the details of other liabilities, which are as follows:

<u>Particulars</u>	<u>Amount</u>
Unpaid salary	7,063
Advance fees	186,610
Advance Registration fee	16,600
Bonus payable	341,522
TDS payable	6,209
House Tax payable	3,215,000
PTA charges payable	3,450
Unpaid security	258,200
Unpaid bonus	28,914
Scholarship/stipend fund	231,030
Security from contractor	196,200
Telephone expenses payable	7,806
Gratuity payable	4,156,917
Security deposit-Lyallpur Emporium	20,000
	<u>8,675,521</u>

The school further contended that while the gratuity was provided in the accounts the liability for leave encashment was not provided. A statement showing the accrued liability of leave



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encashment amounting to Rs. 23,26,063 as on 31/03/2008 and Rs. 49,80,819 as on 31/03/2010, was enclosed along with the written submissions. With regard to the remaining figures in the preliminary calculation sheet, no dispute was raised.

The school, vide its written submissions dated 18/03/2014 also provided the breakup of fee and salary as appearing in its Income & Expenditure Accounts for the years 2008-09 and 2009-10. As per the information furnished, the following position emerges:

Particulars	F.Y. 2008-09	F.Y. 2009-10	F.Y. 2010-11	Additional fee as per order dated 11/02/2009
Normal fee	31,301,501	39,416,741		8,115,240
Arrear Fee for the period 01/01/2006 to 31/08/2008	3,373,268	2,623,450		5,996,718
Arrear fee for the peirod 01/09/2008 to 31/03/2009	4,690,000	-		4,690,000
Total	39,364,769	42,040,191		18,801,958

Particulars	F.Y. 2008-09	F.Y. 2009-10	F.Y. 2010-11	Additional salary on implementation of VI Pay Commission report
Normal Salary and contribution to PF	25,609,533	32,956,841		7,347,308
Arrear salary for the period 01/01/2006 to 31/08/2008	4,161,599	-		4,161,599
Arrear salary for the period 01/09/2008 to 31/03/2009	-	8,838,939	3,996,543	12,835,482
Total	29,771,132	41,795,780	3,996,543	24,344,389

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The Committee observed that the school had not provided the employee wise detail of gratuity payable, the ledger account of the Trust. The Committee also noticed that the school was running a KG school (pre primary school) from the same premises but its transactions were not reflected in the financials of the school. Therefore, the school was required to file, inter alia, the following:

- (i) employee wise detail of its liability of gratuity as on 31/03/2008 and 31/03/2010
- (ii) Ledger account of the Trust and the KG school from 01/04/2006 to 31/03/2011.
- (iii) Audited balance sheet of the KG school from 2006-07 to 2010-11.

The school filed the aforesaid details/documents, under cover of its letter dated 02/04/2014 on 09/04/2014. In respect of its liability for payment of gratuity, the school came up with a new explanation to the effect that the liability of the school for gratuity as provided in its balance sheets was much less than the gratuity that was actually payable. The school contended that the actual amount of gratuity payable as on 31/03/2008 was Rs. 92,47,988 and Rs. 1,43,73,932 as on 31/03/2010 while the amount provided in the balance sheets of the school was Rs. 41,56,917 and Rs. 59,20,749 as on these two

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dates. The explanation for this difference, as given by the school, was that the school had not made provision for gratuity payable till March 2000 and started making provision only from F.Y. 2000-01. The school furnished the employee wise statement of gratuity payable as on these two dates showing the amount actually due and the amount provided in the balance sheet. It further contended that the school was having balance of development fund amounting to Rs. 1,50,47,850 as on 31/03/2008 as per its audited balance sheet against which the cash and bank balance available with the school was Rs. 1,61,65,136. It was contended that in view of this, the cash and bank balance ought not to be considered as available for implementation of VI Pay Commission report but ought to be considered as kept as reserve for development activities. It was contended that if these facts are factored in the calculations, the result would be that the school had no funds available for implementation of VI Pay Commission report.

The school also furnished copies of the balance sheets of its KG school for the years 2006-07 to 2010-11. It submitted that the said school was functioning in a separate block having separate establishment, teaching staff and other employees and was functioning as an independent school. The recognition granted by the

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Department of Education was for class I to XII and therefore, the financials of the two schools should not be clubbed.

The school also filed copies of ledger accounts of Gyan Bharti Trust, as appearing in its books for the years 2006-07 to 2010-11. Perusal of the same showed that the school was crediting to the account of the Trust, income of rent and license fee of book shop, uniform shop, premises let out to bank located in the school campus and income earned from cricket coaching. The incomes credited to the accounts of the Trust in the years 2006-07 to 2009-10 amount to Rs. 22,22,268 as per detail below:

Financial Year	Amount (Rs.)
2006-07	15,34,141
2007-08	3,11,040
2008-09	2,59,200
2009-10	1,17,887
Total	22,22,268

When the matter came up for further hearing on 24/04/2014, the Committee enquired about the wide variation in Incomes from the aforesaid sources in the years 2007-08 to 2009-10 in comparison to that for the year 2006-07. The representatives of the school submitted that these credits to the account of the Trust in the books of the school only represented the income that was initially received by the school. These were not the whole incomes from these sources

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as substantial incomes were received directly by Trust which were accounted for in the books of Trust itself. The school was required to file details of incomes from these sources for the years 2006-07 to 2010-11 as also the Income & Expenditure accounts of the Trust for these years. The school filed the details asked for under cover of its letter dated 29/04/2014. Perusal of the details so furnished reveals that the total income from these sources which accrued to the Trust in these five years, was as follows:

Financial Year	Amount (Rs.)
2006-07	15,06,758
2007-08	17,89,299
2008-09	25,40,748
2009-10	33,05,343
2010-11	38,36,809
Total	1,29,78,957

Discussion & Determination:

The Committee observes that the Trust running this school was also running a KG school from the same campus. While the main school running classes I to XII is a recognized school, the KG school which runs pre primary classes is an unrecognized school. However, it was admitted by the representatives of the school during the course of hearing that the KG school is the entry level school. Students are admitted in the KG school and automatically migrate to class I of the main school. The Committee also observes from the balance sheets of

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the KG school that it was flush with funds and was not only partly funding the main school but had also transferred substantial funds to the Gyan Bharti Trust which runs the school.

Two preliminary issues arise in this case which need to be settled first. The first question that needs to be addressed is whether the funds available with the KG school ought to be considered as available with the main school. The second question that requires to be considered is whether the funds collected by the school in respect of rent and license fee of book shop, uniform shop, premises let out to bank located in the school campus and income earned from cricket coaching which were transferred by the school to its Parent Trust or collected directly by the Parent Trust, ought to be considered as available with the school.

So far as the first question is concerned, the Committee is of the considered view that since the KG school is the entry level school where the students are admitted in the first instance and they automatically graduate to the main school after completing the pre primary classes and both the schools are located in the same campus, both of them ought to be considered as one school and the funds available with both the schools should be considered as available. This view of the Committee is based upon circular No. 15072-15871 (Act Branch) dated 23/03/1999 of the Directorate of Education, Govt.



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of Delhi, in pursuance of directions of the Hon'ble High Court of Delhi in CWP No. 3723/97. The said circular has a statutory flavour as it is issued under sub section (1) of Section 3 of the Delhi School Education Act, 1973, read with Rule 43 of the Delhi School Education Rules, 1973. It reads as follows:

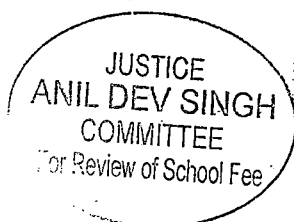
"In pursuance of the directions of the Hon'ble High Court of Delhi in CWP No. 3723/97, to curb the commercialisation, to check the malpractices and to streamline the education at pre-primary level, I, S.C. Poddar, Director of Education in exercise of the powers so conferred upon me under sub-section (1) of section 3 of the Delhi Education Act, 1973, read with rule 43 of Delhi School Education Rules, 1973 order with immediate effect that:

1. All pre-primary schools being run by the registered societies/trusts in Delhi as branches of recognised schools by the appropriate authority in or outside the school premises shall be deemed as one institution for all purposes.
2. All such pre-primary schools running as branches of recognised schools shall comply with the directions of the Hon'ble High Court in CWP No. 3723/97, provisions of Delhi Schools Education Act, 1973 and the Rules made thereunder and the directions/instructions issued by the Directorate of Education from time to time.
3. No student shall be admitted in pre-primary classes by what so ever name it may be called unless he has attained the age of 4 years as on 30th September of the academic year in which admission is sought."

(emphasis supplied by us)

So far as the second issue is concerned, the question is whether the rental income in respect of bank premises, book shop, uniform shop etc. enures to the school or to the Trust running school. The Committee is of the considered view that since the land is allotted to

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the Trust specifically for establishment of a school, any income earned from the land or building constructed thereon or any part thereof would accrue to the school and not to the Trust. This view is also fortified by Rule 175 of the Delhi School Education Rules, 1973 (DSER for short) which reads as follows:

"175. Accounts of the school how to be maintained:- The accounts with regard to the school fund or the Recognised Unaided School Fund, as the case may be, shall be so maintained as to exhibit clearly the income accruing to the school by way of fees, fines, income from building, rent, interest, development fees, collection for specific purposes, endowments, gifts, donations, contribution to Pupils' fund and other miscellaneous receipts, and also, in the case of aided schools, the aid received from the Administrator."

(emphasis supplied by us)

So far as income from Cricket Academy is concerned, the same is clearly prohibited, being a commercial activity. Rule 50 of the DSER provides for conditions for recognition of schools. One of the conditions for recognition of schools as laid down in clause (iv) of the said Rule is that the school is not run for profit to any individual, group or association of individuals or any other persons. Further, clause (ix) of the said Rule provides that the school buildings or other structures or the grounds are not used during the day or night for commercial or residential purposes (except for the purpose of residence of any employee of the school) or for communal, political or non-educational activity of any kind whatsoever. By running a

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Cricket Academy in the school grounds, the school is in breach of the conditions laid down for its recognition. Be that it may, the income derived from this commercial activity, cannot be for the benefit of the Trust which consists of a group of individuals. The income is earned by exploiting the asset of the school and therefore must necessarily enure to the school.

In view of the foregoing discussion, the Committee is of the view that the income earned by the school from the Cricket Academy, belongs to the school and its transfer to the account of the Trust is illegal and contrary to the law laid down by the Hon'ble Supreme Court in the cases of Modern School vs. Union of India (2004) 5 SCC 583 and Action Committee Unaided Pvt. Schools and Ors. v. Director of Education and Ors. 2009 (11) SCALE 77. The school must retrieve such funds from the Parent Trust and for the purpose of determination of funds available with the school for implementation of VI Pay Commission report, the Committee will factor the same as available to the school.

Having thus addressed these preliminary issues, the Committee will consider the following sums as available to the school for implementation of VI Pay Commission report:

- (a) Funds available with the main school
- (b) Funds available with the KG school

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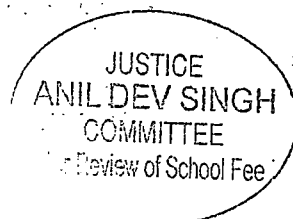
- (c) Income from letting out portions of school premises to bank and for bookshop and uniform shop etc., which the school has credited to the account of the Trust or directly received by the Trust.

For ascertaining the funds available with the main school and the KG school, it would be in order to consider the balance sheets of the two schools individually as well as on a consolidated basis. The consolidated balance sheet would eliminate the inter school accounts appearing in the balance sheets of both the schools.

However, before undertaking this exercise, the submissions of the school need to be considered and factored in.

Firstly, the school contended that in the preliminary calculation sheet, the committee had not given any consideration for "other liabilities" amounting to Rs. 86,75,521. As noticed supra, the Committee had not considered this figure for want of details. However, during the course of hearing, the school furnished the detail of "other liabilities" which have been mentioned above. On consideration of the same, the Committee is of the view that since the Committee will consider for the deduction for accrued liability for gratuity on actual basis, rather than what has been provided in the balance sheet, the figure of Rs. 41,56,917 representing gratuity payable, has to be

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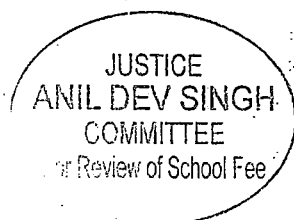


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excluded from the consideration at this stage. With regard to house tax payable amounting to Rs. 32,15,000, included in the "other liabilities", the Committee is of the view that the same appears to be a precautionary provision and does not represent a real liability as the same amount is being carried forward from 2005-06 (or may be earlier) to 2010-11 (or may be later). With the exception of these two amounts, the Committee would consider the remaining amount of Rs. 13,03,604 as the liability of the school, while working out the funds available.

Secondly, the school contended that since the school was a having a balance in development fund amounting to Rs. 1,50,47,850 , while the cash and bank balance available with it was Rs. 1,61,65,136 as on that date, the amount of cash and bank balance, equivalent to the balance in the development fund account, ought not be considered as available for the purpose of implementation of VI Pay Commission report. The Committee does not agree with this contention of the school for the reason that the FDRs held by the school, forming part of cash and bank balances, were not earmarked till 2011, as conceded by the school during the course of hearing on 24/04/2014. Further, the development funds were being spent on renovation of the school building, which is not a permitted purpose for utilizing development fund.

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Having dealt with both the contentions of the school, the funds available with the main school and the KG school, as per the audited balance sheets of the two schools as on 31/03/2008 are worked out as under:

Statement showing Availability of Funds as on 31-03-2008			
Particulars	Sr.Sc.School	KG School	Total
<u>Current Assets</u>			
Cash & Bank Balance	4,788,702	643,202	5,431,904
Fixed Deposits with Bank	10,578,512	2,157,100	12,735,612
Accrued Interest on FDR	797,922	-	797,922
Sundry Debtors	541,280	21,157	562,437
Amount transferred to Trust (after eliminating inter school liability of main school and KG school)	-	25,191,332	25,191,332
Loans & Advances	585,414	62,567	647,981
Total Current assets (A)	17,291,830	28,075,358	45,367,188
Less: <u>Current Liabilities</u>			
Students Security Deposit	2,270,600	761,710	3,032,310
Other Liabilities	1,303,604	1,623,240	2,926,844
Sundry Creditors	639,560	44,325	683,885
Total Current Liabilities (B)	4,213,764	2,429,275	6,643,039
Net Current Assets (Funds available) (C= A-B)	13,078,066	25,646,083	38,724,149

Thus the school had available to it a sum of **Rs. 3,87,24,149** at the threshold as on 31/03/2008. A sum of **Rs. 1,29,78,957** representing rent of uniform shop, book shop, bank premises etc. and income from coaching academy, was diverted by the school to the

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account of the Trust. Thus for the purpose of present calculations, the school had a sum of **Rs. 5,17,03,106** (3,87,24,149+1,29,78,957) as on 31/03/2008. The Committee has taken a view that the entire funds available with the school ought not to be considered as available for implementation of VI Pay Commission Report and the school ought to retain funds in reserve equivalent to four months salary for future contingencies and an amount equivalent to its accrued liability for gratuity and leave encashment. As noticed supra, the expenditure of the school on salary for the year 2009-10 was Rs. 3,29,56,841. Based on this, four months salary works out to **Rs. 1,09,85,614**. The accrued liability of the school for gratuity was **Rs. 1,43,73,932** and that for leave encashment, was **Rs. 49,80,819** as on 31/03/2010. The total requirement of the school for keeping funds in reserve was, thus, **Rs. 3,03,40,365** (1,09,85,614+1,43,73,932+49,80,819) . Resultantly, the funds which could have been utilised for implementation of VI Pay Commission report, as available with the school as on 31/03/2008, were **Rs. 2,13,62,741** (5,17,03,106 - 3,03,40,365).

As against this, the total financial impact of the implementation of VI Pay Commission report on the school was Rs. 2,52,21,626, as per details below:

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Particulars	Main School	KG School	Total
Arrear of Salary for the period 1.1.06 to 31.8.08	4,161,599		4,161,599
Arrear of Salary for the period 1.9.08 to 31.3.09	12,835,482		12,835,482
Annual Increase in Salary in 2009-10	7,347,308	877,237	8,224,545
Total Outgo on implementation of 6th CPC (D)	24,344,389	877,237	25,221,626

Thus, the school needed to bridge a gap of **Rs.38,58,885** (2,52,21,626-2,13,62,741). However, by resorting to the fee hike pursuant to order dated 11/02/2009, issued by the Director of Education, the school generated an additional revenue of **Rs.1,89,36,789**, as per details below:

Particulars	Main School	KG School	Total
Fee Arrear recovered for the period from 1.1.06 to 31.8.08	5,996,718		5,996,718
Fee Arrear recovered for the period from 1.9.08 to 31.3.09	4,690,000		4,690,000
Annual Increase in Tuition fee in 2009-10	8,115,240	134,831	8,250,071
Total amount received for implementation of 6th CPC (E)	18,801,958	134,831	18,936,789

Thus, the school recovered more revenue by hiking the fee than was required to offset the deficit which arose on account of implementation of VI Pay Commission report, to the extent of **Rs. 1,50,77,904**. The deficit of Rs. 38,58,885 could have been met only by recovering the lump sum arrears for the period 01/01/2006 to 31/08/2008, as provided in the aforesaid order dated 11/02/2009.

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The Committee is therefore of the view that the school had no necessity at all for recovering the arrear fee for the period 01/09/2008 to 31/03/2009, which amounted to Rs. 46,90,000 nor was there any necessity to hike any fee for the year 2009-10, which yielded an additional revenue of Rs. 82,50,071. Even the arrears for the period 01/01/2006 to 31/08/2008 were recovered in excess of the requirements of the school, to the tune of Rs. 21,37,833. The total amount recovered in excess of the requirement of the school for meeting its financial obligations of implementation of VI Pay Commission report, thus, was **Rs. 1,50,77,904**. Such excess recoveries ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

Development Fee:

In reply to the questionnaire regarding development fee issued to the school, the school furnished the following information with regard to collection of development fee and its utilisation:

Year	Development fee (Rs.)	
	Collected	Utilised
2006-07	20,03,830	Nil
2007-08	20,47,600	Nil
2008-09	21,19,696	21,19,696
2009-10	81,59,337	6,59,435
2010-11	67,70,000	Nil
Total	2,11,00,463	27,79,131

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During the course of hearing on 24/04/2014, the representatives of the school admitted that the development fee collected from 2006-07 to 2010-11, which aggregated Rs. 2,11,00,463 had only been partially utilised to the extent of Rs. 27,79,131. In fact the entire development fee collected in 2006-07, 2007-08 and 2010-11 had not been utilised at all. Even for 2009-10, the extent of utilisation was only 8.08% of the amount collected. Further, the utilisation of development fee in the years 2008-09 and 2009-10 was also on renovation of school building and not for purchase/upgradation of furniture and fixture and equipments. It was contended that the unutilised development fee was held in fixed deposits but it was conceded that such FDRs were not earmarked for development fund but were freely usable for other purposes also. The earmarking of FDRs for development fund was done only in the year 2011. With regard to maintenance of depreciation reserve fund, it was contended that the accumulated depreciation is appearing in the schedule of fixed assets attached to the balance sheet.

The Committee has considered the financials of the school, reply to the questionnaire regarding development fee and the submissions made during the course of hearing. The Committee is of the view that the school is collecting development fee without having any concrete development plans. In the five years i.e. 2006-07 to 2010-11, for

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which the information was sought by the Committee, the school collected a sum of Rs. 2,11,00,463 as development fee, out of which, it spent just a sum of Rs. 27,79,131, and that too for renovation of building, which is not a permitted purpose for utilisation of development fund. The schools can charge development fee, subject to certain conditions, only for the purpose of purchase or upgradation of furniture and fixture and equipments, as was recommended by the Duggal Committee. The recommendations of the Duggal Committee were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. Further, the school was not keeping the unutilised development fund in an earmarked account nor was maintaining any depreciation reserve fund. Contrary to the submissions of the school that the unutilised development fund was kept in FDRs which were belatedly earmarked in 2011, perusal of the balance sheet of the school as on 31/03/2011 shows that the school had unutilised development fund to the tune of Rs. 2,93,17,752 against which it had total bank balances (including FDRs) amounting to Rs. 93,46,504 only and there was no indication that even such bank balances were earmarked against development fund. Further, the Committee observed that the school was not maintaining depreciation reserve fund and it was only alluding to the provision for

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depreciation on fixed assets, which were shown at its written down value.

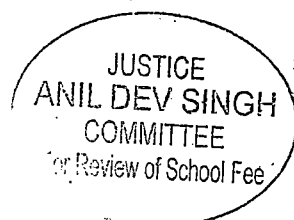
In view of the foregoing discussion, the Committee is of the view that the school was not justified at all, in charging the development fee. However, since the Committee is mandated to examine the issue of fee charged by the school in pursuance of order dated 11/02/2009, issued by the Director of Education, the Committee is restricting its recommendations to the development fee charged in the years 2009-10 and 2010-11. The Committee is of the view that the development fee charged by the school amounting to Rs. 81,59,337 in 2009-10 and Rs. 67,70,000 in 2010-11, ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund. In so far as the development fee charged for the remaining years mentioned above, it will be for the Director of Education to take a view.

Recommendations:

In view of the above determinations, the Committee recommends as follows:

- (a) The school ought to refund a sum of Rs. Rs. 1,50,77,904, comprising of the following, along with interest @ 9% per annum from the date of collection to the date of refund :**

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- (i) Rs. 21,37,833 out of the lump sum arrear fee charged for the period 01/01/2006 to 31/08/2008,
- (ii) Rs. 46,90,000 representing arrear fee charged for the period 01/09/2008 to 31/03/2009,
- (iii) Rs. 82,50,071 out of the regular fee charged in 2009-10, which represents the fee hiked for the period 01/04/2009 to 31/03/2010 in terms of order dated 11/02/2009 of the Director of Education.

(b) The school ought to refund development fee amounting to Rs. 81,59,337 recovered in 2009-10 and Rs. 67,70,000 recovered in 2010-11, along with interest @ 9% per annum from the date of collection to the date of refund.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

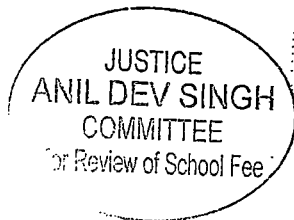
Sd/-

Dr. R.K. Sharma
Member

Dated: 30/07/2014

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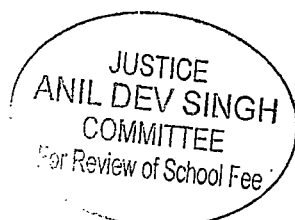
Ambience Public School, Safdarjung Enclave, New Delhi-110029

In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide its letter dated 05/03/2012 submitted that:

- (a) It had implemented the VI Pay Commission report and the increased salary of the staff was being paid w.e.f. 01/07/2009. The monthly salary bill prior to implementation amounted to Rs. 8,59,437 which rose to Rs. 12,58,800 after its implementation. Arrears of salary had been paid from **April 2009** and such arrears amounted to Rs. 42,18,168.
- (b) It had increased the fee w.e.f. 01/04/2009 in terms of order dated 11/02/2009 issued by the Director of Education and furnished details of pre increase and post increase tuition fee for different classes. (From the details submitted, it is apparent that the tuition fee was hiked by Rs. 200 per month for classes I to VIII, and by Rs. 300 per month for classes IX to XII.)
- (c) It admitted to have recovered arrears of fee as envisaged in the aforesaid order dated 11/02/2009, and such arrear fee recovered was stated to be Rs. 35,19,720.

Based on the information furnished by the school, it was placed in Category 'B'.

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A Preliminary calculation sheet was drawn up by the Chartered Accountant detailed with the Committee (CAs) and as per this calculation sheet, the school had funds amounting to Rs. 1,01,13,891 at the threshold as on 31/03/2009 and after accounting for the increased fee and increased salary consequent to implementation of VI Pay Commission report, the school was still left with funds amounting to Rs. 79,30,176 and to this extent, the fee hiked by the school appeared to be unjustified. The Committee examined the preliminary calculation sheet prepared by the CAs with reference to the audited balance sheet of the school and observed some factual errors therein. It was observed that while calculating the funds available, they had taken into account a liability of Rs. 1,25,86,585 for which no details were available in the balance sheet. Accordingly, the Committee directed one of its audit officer to prepare a fresh calculation sheet. As per this calculation sheet, the Committee was prima facie of the view that the hike in fee was wholly unjustified as the school had sufficient funds of its own to absorb the incremental salary on account of implementation of VI Pay Commission report.

The school was issued a notice dated 23/12/2013 for providing it an opportunity of hearing by the Committee on 24/01/2014. A copy of the preliminary calculation sheet prepared by the audit officer of the Committee was also supplied to the school along with the notice.



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On the scheduled date, Sh. N.K. Mahajan and Ms. Mamta Goel, Chartered Accountants appeared with Sh. Vasudev Sharma Accountant and Ms. Jaya Hari Accounts Assistant of the school. The school filed written submissions dated 24/01/2014 with supporting details. The school also filed its own calculation sheet in justification of the fee hike. As per the calculation sheet filed by the school, the points of divergence between the calculation sheet prepared by the audit officer of the Committee and that prepared by the school are as follows:

- (a) The school excluded the fixed deposits amounting to Rs. 1,18,37,963+ interest accrued thereon amounting to Rs. 1,16,247 from the calculation of funds available with it on the ground that it represented 10% out of the saving from tuition fee which the school has to keep in reserve as per Rule 177 of the Delhi School Education Rules 1973.
- (b) The school excluded the liability of Rs. 1,25,86,585 and provided its detail. These liabilities included loan from Canara Bank amounting to Rs. 48,70,000 and loan from Oriental Bank of Commerce amounting to Rs. 73,53,856. It was contended that the proceeds of these loans to the tune of Rs. 1,26,00,000 were used for giving advance to Master Nihal Singh Society for purchase of land. It was contended that

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since this advance had been included in the funds available, the corresponding liability against that ought to be deducted and only the net amount should be included in the funds available.

- (c) A sum of Rs. 43,02,868 was paid by the school as arrears of salary for the period 01/01/2006 to 31/03/2009, of which no account has been taken in the preliminary calculation sheet.
- (d) The incremental salary on account of implementation of VI Pay Commission report taken in the preliminary calculation sheet at Rs. 35,65,198 was not correct as it did not take into account the increase in expenditure under the head Security Guard expenses and honorarium. The difference on this account was Rs. 2,66,289.
- (e) The incremental tuition fee in 2009-10 was taken in excess in the preliminary calculation sheet to the tune of Rs. 78,84,000 as the base figure of tuition fee for 2008-09 was erroneously taken at Rs. 8,76,142 instead of Rs. 87,60,142.
- (f) The preliminary calculation sheet does not factor in the incremental liability on account of gratuity and leave encashment which amounts to Rs. 26,97,445.

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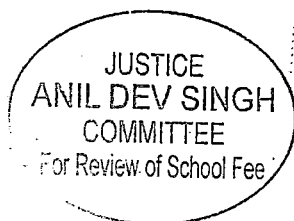
(g) The school was in deficit to the tune of Rs. 47,35,396 and with the paying student strength of 739 in the year 2009-10, the school needed a further sum of Rs. 6,408 per student to meet the shortfall.

Precisely these very submissions were also made orally during the course of hearing.

Discussion:

The Committee has considered the annual returns of the school, the information furnished by the school in response to the notices issued by the Committee, the reply to the questionnaire issued by the Committee, the preliminary calculation sheet prepared by the audit officer of the Committee as also that prepared by the school and the oral and written submissions made before it by the representatives of the school.

In order to appreciate the contentions of the school better, it will be useful to first reproduce herebelow the preliminary calculation sheet prepared by the audit officer of the Committee.



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Statement showing Fund availability of as on 31-03-2008			
	Particulars	Amount (Rs.)	Amount (Rs.)
	Current Assets		
	Cash in hand	27,735	
	Bank Balance	178	
	TDS on FDR	9,639	
	Advance against Purchase of Land	12,600,000	
	Seema Creations	4,450	
	Fixed Deposits	11,837,963	
	Accrued Interest on FDR	116,247	
Less:-	Current Liabilities		24,596,212
	Caution Money	623,825	
	Parents & alumini association	91,643	
	Fee & Charges received in advance	142,225	
	Audit fee payable	16,854	
	Liabrary Membership Security	7,000	
	Bonus Payable	130,749	
	Expenses Payable	202,576	
	Bank O/d with OBC	735,864	1,950,736
Less:-	Net Current Assets		22,645,476
	Arrear of Salary as per 6th CPC w.e.f. 01.01.06 to 31.03.2009	-	
	Annual increase in salary (FY 09-10)	3,565,198	3,565,198
	Excess / (Short) Fund Before Fee Hike		19,080,278
Add:-	Fee Hiked and Recovered due to 6th CPC from 01.01.06 to 31.03.2009	3,519,720	
	Annual increase in Tuition fee (FY 09-10)	12,356,003	15,875,723
	Excess / (Short) Fund After Fee Hike		34,956,001

Working notes:

Fee Charged under various heads as per I & E Account		
	2008-09	2009-10
Tuition Fee	876,142	10,918,707
Development Fee (Treated as revenue receipt)	890,595	1,621,107
Activity Charges	1,909,990	2,803,568
Computer Activity Receipt	1,312,850	2,012,225
Lab Receipts	200,770	205,795
Examination fee	198,250	183,198
Total	5,388,597	17,744,600
Increase in fee in 2009-10	12,356,003	
Salary paid under various heads as per I & E Account		
	2008-09	2009-10
Salary, Wages & Allowances	10,584,930	14,258,514
Contribution to PF	525,289	484,690
Bonus to Staff	178,500	177,625
Computer Education Expenses	143,299	50,400
Administration charges on PF	89,191	107,106
EDLI	40,177	48,249
Total	11,561,386	15,126,584
Increase in Salary in 2009-10	3,565,198	

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The various contentions made by the school are discussed as follows:

- (a) In so far as the contention of the school regarding exclusion of fixed deposits + interest accrued thereon from the funds available is concerned, the Committee observes that the argument regarding retention of 10% of savings as per Rule 177 of Delhi School Education Rules, 1973 is not very sound for two reasons. Firstly, the savings as envisaged in that rule are to be calculated after payment of salaries to staff. Therefore, the payment of increased salaries on account of implementation of VI Pay Commission report has to be given precedence over retention of funds in reserve. Secondly, even if the contention of the school is accepted, the reserves are created to meet unforeseen liabilities. Such reserves are not to be held in perpetuity. The very purpose of keeping funds in reserve is that they should be available when the need arises on account of any unforeseen liability befalling on the school. Thirdly, no calculations have been provided by the school as to how much reserve fund is available in terms of the aforesaid rule. The Committee, however, is mindful of the fact that the schools do require to keep adequate reserves to meet unforeseen liabilities and for this purpose it has taken

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a view that funds equivalent to four months' salary ought to be kept in reserve. The post implementation monthly salary bill of the school is Rs. 12,58,800 as submitted by the school itself in its reply to the questionnaire issued by the Committee. The Committee accepts this figure and based on this, it will duly factor in the requirement of reserve which amounts to **Rs. 50,35,200**. However, the contention of the school to altogether exclude the FDRs + interest accrued thereon from the reckoning of funds available cannot be accepted.

- (b) The Committee accepts the contention of the school that since it has included the amount of advance given for purchase of land amounting to Rs. 1,26,00,000 in the funds available, the corresponding liabilities of loans taken for giving this advance ought to be deducted. These alongwith other sundry liabilities aggregating **Rs. 1,25,86,585** would be duly factored in while making the final calculations.
- (c) The contention of the school that it paid arrears of Rs. 43,02,868 for the period 01/01/2006 to 31/03/2009, which have not been accounted for in the preliminary calculations need to be given a deeper consideration. During the course of hearing, a sheet styled as Annexure-C was filed giving

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details of these payments. It was further clarified that this amount represented the arrears pertaining to the period September 2008 to June 2009 and not 01/01/2006 to 31/03/2009. It was further shown that out of the total sum of Rs. 43,02,868, a sum of Rs. 42,18,168 was paid by means of cheques in August 2011. A small amount of Rs. 84,700 was shown as paid in July 2012. However, in its reply dated 05/03/2012 to the questionnaire issued by the Committee, the school stated that "Salary to staff increased from 01/07/2009." It further stated that "Arrears of salary to staff have been paid from April 2009 consequent to implementation of VI Pay Commission- Rs. 42,18,168." Thus, as per reply to the questionnaire, the arrears pertained to the period starting from April 2009 and ending with June 2009 as the regular salary was increased w.e.f. July 2009. Moreover, it was not mentioned in the reply to the questionnaire that such arrears were paid only in July 2011 and August 2012. Therefore, it was presumed while preparing the preliminary calculation sheet that the arrears had been paid in the year 2009-10 itself and they related to that financial year only. Therefore, such arrears had been accounted for as part of the incremental salary for F.Y. 2009-

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10. However, now the school has come up with a new contention in its written submissions that such arrears pertained to the period 01.01.2006 to 31.03.2009. But, in the detailed sheet which has been filed showing liability of arrears, the same has been shown for the period 1st September 2008 to 30th June 2009. Hence, the school has been inconsistent in its stand regarding the payment of arrears and the period to which they pertained. However, the Committee is inclined to accept that the arrears pertained to the period 1st September 2008 to 30th June 2009 as the school has given the detailed break up of its calculations separately for the period September to December 2008 and January to June 2009.

The moot point to be considered is whether the arrears of salary amounting to Rs. 43,02,868 for the period September 2008 to June 2009 were left out of consideration while preparing the preliminary calculation sheet. The Committee examined the financials of the school for the years 2008-09, 2009-10 and 2010-11 and finding that the financials for 2011-12 and 2012-13 were not on its records, having not been called for, the Committee vide its email dated 22/05/2014 required the school to file the same along

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with its bank statements, as the payment of arrears was made during these financial years, as claimed by the school. On examination of the financials of the school for the years 2011-12 and 2012-13 along with the bank statements, the Committee is satisfied that the payment of arrears amounting to Rs. 43,02,868 got omitted from the preliminary calculation sheet prepared by its audit officer. This was for the reason that while the school collected the bulk of arrear fee in 2008-09, it paid the arrear salary only in the years 2011-12 and 2012-13. The audit officer of the Committee made a reasonable assumption that since the bulk of the arrear fee was collected in 2008-09 and as per the order dated 11/02/2009 of the Director of Education, the arrear salary for the period September 08 to March 09 had to be paid latest by 30/04/2009, the figure of salary as appearing in the Income & Expenditure account for the year 2009-10 included the arrear salary. However, as stated supra, the school made the payment of arrear salary only in 2011-12 and 2012-13, after retaining the funds with itself for more than three years.

- (d) The contention of the school that no account was taken of the increase in expenditure under the head Security Guard

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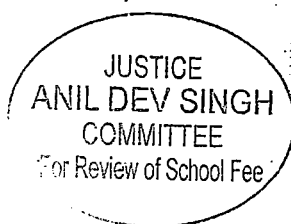
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expenses and honorarium has to be rejected outrightly as these expenses have nothing to do with the implementation of VI Pay Commission report. The very fact that security guard expenses have been booked separately shows that security services have been outsourced.

- (e) The contention regarding excess accounting of tuition fee to the tune of Rs. 78,84,000 is accepted as the Committee finds that while preparing the calculation sheet, the figure of tuition fee for 2008-09 was erroneously taken as Rs. 8,76,142 instead of Rs. 87,60,142. This is a clerical mistake which needs to be rectified. Hence, in the final determinations, the Committee will take the figure of **Rs. 44,72,003** (1,23,56,003- 78,84,000)
- (f) The contention of the school regarding factoring in off the increased liability of gratuity and leave encashment amounting to **Rs. 26,97,445** is accepted by the Committee as the school has furnished the necessary details employee wise which appeared to be in order.



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Ambience Public School, Safdarjung Enclave, New Delhi-110029**Determination:**

In view of the foregoing discussion, the Committee makes the following determinations:

Particulars		Amount (Rs.)
Funds available as on 31/03/2008 as per preliminary calculation sheet		2,26,45,476
Less		
(a) Liability of loans taken for payment of advance given for land	1,25,86,585	
(b) Reserve for accrued liability of gratuity and leave encashment	26,97,445	
(c) Reserve for future contingencies	<u>50,35,200</u>	<u>2,03,19,230</u>
Funds available for implementation of VI Pay Commission Report		23,26,246
Add		
(a) Arrear fee recovered	35,19,720	
(b) Incremental fee for F.Y. 2009-10	<u>44,72,003</u>	<u>79,91,723</u>
(A) Total funds available for implementation of VI Pay Commission report		1,03,17,969
(B) Additional liability on account of implementation of VI Pay Commission report:		
(a) Arrear salary	43,02,868	
(b) Incremental Salary for F.Y. 2009-10	<u>35,65,198</u>	<u>78,68,066</u>
(C) Surplus generated by way of fee hike (A-B)		24,49,903

In view of the foregoing determinations, the Committee is of the view that the school hiked more fee than was required to meet its additional liabilities arising on account of implementation of VI Pay Commission report. The excess fee hiked resulted in an additional

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revenue of **Rs. 24,49,903**, which in view of the Committee ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund. Another feature that has been noticed by the Committee is that the school recovered the bulk of arrear fee in March 2009 while it paid the arrear salary only in the month of August 2011. In the premises, the Committee is of the view that the school unjustly held on to the funds raised by way of arrear fee from the students for about 2 & ½ years. In case the liability for arrear salary was to be discharged in August 2011, there was no earthly reason for recovering the fee in March 2009. The Committee is therefore of the view that the students ought to be compensated with interest @ 9% per annum for a period of 30 months on the amount of arrear fee collected from them. The actual period of interest would depend upon the date of collection of fee from the individual students.

Development Fee:

In reply to the questionnaire regarding development fee, the school stated that it was charging development fee in all the five years for which information was sought. Further, such development fee was treated as a revenue receipt and no depreciation reserve fund was maintained in respect of depreciation on assets acquired out of development fee. It further stated that since the school had spent all its development fee on purchase of fixed assets and for meeting its

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deficit in payment of salary, no separate bank account was maintained for development fund. It gave the following details in respect of development fee and its utilisation from 2006-07 to 2010-11.

Year	Development Fee received (Rs.)	Assets purchased (Rs.)	Surplus(Rs.)
2006-07	12,14,390	52,393	11,61,997
2007-08	12,96,630	7,23,999	5,72,631
2008-09	8,90,595	5,41,827	3,48,768
2009-10	16,21,107	4,26,017	11,95,090
2010-11	18,37,372	1,27,622	17,09,750
Total	68,60,094	18,71,858	49,88,236

The contentions of the school are self contradictory. On one hand, it says that out of a total collection of Rs. 68.60 lacs on account of development fee from 2006-07 to 2010-11, it generated surplus of Rs. 49.88 lacs, having utilised just Rs. 18.71 lacs on purchase of fixed assets. On the other hand, it says that it was not maintaining any separate bank account as it had spent all its development fee. Obviously the development fee remaining after purchase of fixed assets was spent on revenue expenses. It has also stated that the development fee was treated as a revenue receipt and no depreciation reserve fund was maintained in respect of the depreciation charged on assets acquired out of development fee.

The Committee is of the view that the school was not fulfilling any of the pre conditions for charging development fee as laid down by the Duggal Committee which were subsequently affirmed by the

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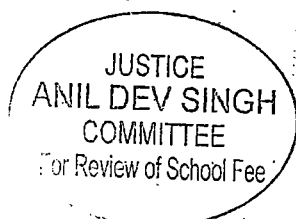
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Hon'ble Supreme Court in the case of Modern School Vs. Union of India (2004) 5 SCC 583. The Committee is therefore of the view that the development fee charged by the school was not in compliance with the law and therefore, the same was unjustified. However, since the Committee has mandated to examine the fee charged by the school in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its recommendations to the development fee charged in 2009-10 and 2010-11.

In so far as the development fee for the year 2009-10 is concerned, the same has already been considered for the purpose of determining the justifiability of the hike in tuition fee for implementation of VI Pay Commission report as the same has been treated as a revenue receipt. Therefore, no separate recommendation is required to be made in respect of development fee for that year. However, in respect of the development fee charged for the year 2010-11 amounting to **Rs. 18,37,372**, the committee is of the view that the same ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

Recommendations:

In view of the above discussion and determinations, the Committee recommends as follows:



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- (a) The school ought to refund a sum of Rs. 24,49,903 out of the fee hiked for the year 2009-10 along with interest @ 9% per annum from the collection to the date of refund.
- (b) The school ought to refund the development fee for the year 2010-11, amounting to Rs. 18,37,372, along with interest @ 9% per annum from the date of collection to the date of refund.
- (c) The school ought to pay interest to the students on the arrear fee charged from the date of its collection to 16/08/2011, @ 9% per annum.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K.Sharma
Member

Dated: 03/06/2014



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Vivekanand International School, I.P. Extension, Patparganj,Delhi-110092

The school had submitted copies of its annual returns and fee statements to the Dy. Director of Education, District East, under cover of its letter dated 25/01/2012. It was mentioned in the letter that the school had not collected any arrear of tuition fee from the students for payment of arrear salary on account of implementation of VI Pay Commission report as the parents of the students were not in a position to pay the arrear fee. For this reason, the school did not pay any arrear of salary to the staff. However, it was mentioned that the school had implemented the VI Pay Commission report prospectively w.e.f. December 2009 and in support, it filed copies of salary statements for the month of November 2009 showing total monthly salary expenditure to be Rs. 4,81,519 and for the month of December 2009 showing monthly expenditure of salary to be Rs. 5,29,427. Thus the monthly incremental salary on account of purported implementation of the VI Pay Commission report was shown to be 47,908, which represented an increase of just 9.95 % over the salary for the pre implementation period. Subsequently, in reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide its letter dated 28/02/2012 reiterated the aforesaid information with regard to salary but with regard to hike in fee, it stated that it had not increased the tuition fee of the students as

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envisaged in the order dated 11/02/2009 issued by the Director of Education. On the basis of the information furnished by the school, as the school claimed not to have hiked any fee in terms of the aforesaid order dated 11/02/2009, the school was initially placed in category 'C'.

In order to verify the contention of the school that it had not hiked any fee in terms of the aforesaid order, the Committee vide its letter dated 23/03/2012 required the school to produce its fee records and books of accounts for the years 2008-09 to 2010-11 on 11/04/2012. Some of the required records were produced by Sh. Ashu Gupta, an authorized representative of the school on the date fixed. However complete records were not produced and the school was given another opportunity to produce the complete records on 19/04/2012. The records produced were examined by Ms. Sunita Nautiyal, audit officer of the Committee and she observed that contrary to the claim of the school of not having hiked any fee in terms of order dated 11/02/2009 issued by the Director of Education, the school did hike tuition fee, which although was less than the maximum hike permitted by the said order, was nevertheless more than 10% as compared to the fee of the previous year.

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On 19/04/2012, the representative of the school appeared with the relevant records and filed a letter dated 18/04/2012, signed by the Principal of the school. Vide this letter, the school admitted that it had hiked the fee in 2009-10 which was more than 10% as compared to the fee for 2008-09. This was done for the reason that the fee structure of the school till 2008-09 was very low and restricting the increase to 10% would have been economically unviable. It was also mentioned that earlier the school was running at Vishwas Nagar, Shahdra on a private land and the fee structure was very low on account of its location and the facilities provided by the school. Subsequently, the school was shifted to its present site i.e. I.P. Extension which was allotted by DDA, the school required more funds to maintain its large infrastructure. It also mentioned that neither the Delhi School Education Act, 1973 nor any circular issued by the Director of Education restricts the hike which the school can make to the extent of 10% only.

The records produced by the school were examined by the audit officer of the Committee on 19/04/2012. She observed as follows:

- (a) On examination of fee statements of the school for the years 2008-09 and 2009-10, it appeared that the school had increased the fee in 2009-10 in terms of order dated

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11/02/2009 issued by the Director of Education. However, on examination of the fee receipts produced by the school, it was discovered that the school actually charged lesser amount of fee from the students. The students who migrated from the earlier premises of the school at Vishwas Nagar continued to pay lesser fee. On the other hand, the students who were admitted at the new premises at Patparganj paid fees at higher rates.

- (b) The school had only nominally implemented the VI Pay Commission report w.e.f. December 2009, in as much as the school was paying only the basic pay and the grade pay as per the recommendations of the VI Pay Commission. No DA or HRA was being paid by the school. The incremental expenditure on salary was just Rs. 47,908 per month. On the other hand, the total increase in monthly fee on account of fee hike was Rs. 1,07,500.

After these facts came out, the category of the school was changed to 'B'.

The school was issued a notice dated 13/03/2014 for providing it an opportunity of hearing by the Committee on 27/03/2014. A questionnaire seeking information regarding the receipt and

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for Review of School Fee

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Vivekanand International School, I.P. Extension, Patparganj,Delhi-110092

utilisation of development fee was also issued to the school. It was mentioned in the notice that at the time of hearing, the books of accounts, fee records, salary records and bank statements should be kept handy.

On the scheduled date, Sh. Ashu Gupta, authorized representative of the school appeared and filed written submissions dated 27/03/2014 along with reply to the questionnaire regarding development fee. However, when the Committee wanted to examine the financial records of the school, the representative could not produce the same. Accordingly the matter was directed to be relisted on 22/04/2014, when the representative of the school was asked to produce the accounting, fee and salary records. On the said date, Sh. Ashu Gupta, appeared with Ms. Kaushlaya Mathur, Accounts Assistant. However, the hearing was held on 06/05/2014, at the request and instance of the school. The school made the following submissions vide its letter dated 27/03/2014 and also during the course of hearing:

- (a) The students who migrated from the earlier premises of the school at Vishwas Nagar, Shahdra continued to pay fee at lesser rates while those admitted at I.P. Extension paid fee at higher rates.



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- (b) VI Pay Commission report was nominally implemented w.e.f December 2009. Salary to about 50% of staff is paid by bank transfer while the remaining 50% are paid in cash.
- (c) The fee hike in 2009-10, although more than 10% as compared to the fee of the previous year, was less than the maximum hike permitted by the order dated 11/02/2009 issued by the Director of Education
- (d) The hike in aggregate tuition fee from Rs. 48.23 lacs in 2008-09 to Rs. 71.83 lacs in 2009-10 was on account of increased enrollment in 2009-10 which rose from 793 to 920.
- (e) The school charges development fee from new students only and the same is treated as a revenue receipt.

Discussion:

At the outset, it has to be stated that the school did not in actual fact implement the VI Pay Commission report. The meager increase in monthly salary from December 2009 onwards, which was just 9.95% over the salary for the pre implementation period, gives a lie to the contention of the school that it implemented the VI Pay Commission report w.e.f. December 2009. In fact, the salary hike in a year on account of the increased Dearness allowance which is announced twice every year, besides the routine annual increment

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results in a hike of more than 10%. To say that the hike of 9.95% in salary is on account of implementation of VI Pay Commission report is a very fanciful submission.

Therefore, the only determination to be made by the Committee is with respect to the justifiability of fee hike in the absence of implementation of VI Pay Commission report. The Committee has consistently been taking a view that in the absence of implementation of VI Pay Commission report, a fee hike to the extent of 10% would be justified so as to cover the impact of inflation. Any hike in excess of that would not be justified as the schools are not supposed to profiteer from the operations of the school. The contention of the school that it needed a higher fee hike in 2009-10 to support the additional infrastructure of the school created when it shifted to its new premises at I.P. Extension is bereft of any merit. The representative of the school stated during the course of hearing that the shift to the new premises was made in 2005-06. The financials of the school for the years 2005-06 to 2008-09 do not show that the school was incurring any cash deficits. That means that the school was managing at its new premises with the so called low fee structure. The contention of the school that there is no law or circular of the Director of Education which limits the hike to 10%, is correct technically.

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However, in the case of Modern School vs. Union of India (2004) 5 SCC 583, the Hon'ble Supreme Court has held that the Director of Education has the authority to regulate the fees of unaided schools. In exercise of such authority, the Director of Education invariably objects to the hike in fee proposed by the unaided schools, in so far as, the hike exceeds 10%. Unless there are compelling reasons for the hike to be in excess of 10%, e.g. a new Pay Commission is to be enforced which entails substantial hike in expenditure on salaries, the hike in excess of 10% would not be justified. The Committee is in accord with the view of the Directorate of Education that the schools can hike the fee ordinarily upto 10% given the current inflationary trends. Any hike in excess of this limit would not be justified. However, where the schools operate on very low fee base, the Committee has been taking a view that if the hike is not much in absolute terms, a hike in excess of 10% ought not be interfered with.

Keeping the above parameters in view, the issue of fee hike in case of this particular school needs to be examined. Although the audit officer has mentioned that the tuition fee was increased by more than 10% in 2009-10, she has not set out the comparative fee charged by the school in 2008-09 and 2009-10, in order to ascertain as to how

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much more than 10% was charged and whether in absolute terms, such hike could be tolerated.

On examination of the annual returns of the school filed under Rule 180 of Delhi School Education Rules, 1973, the Committee observes that besides the tuition fee, the school was charging a monthly fee under the head 'other charges'. The amount charged as other charges was Rs. 500 per month in 2008-09 and Rs. 550 per month in 2009-10, besides tuition fee which varied for different classes. The Committee is of the view that the amount charged under the head 'other charges' ought to be treated as part of tuition fee. The comparative figures of tuition fee (including other charges) for 2008-09 and 2009-10 for different classes are as follows:

Class	Monthly tuition fee in 2008-09 (Rs.)	Monthly tuition fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)	Percentage increase
Pre primary to V	1060	1310	250	23.58%
VI to VIII	1250	1500	250	20.00%
IX & X	1750	2100	350	20.00%
XI & XII	2150	2600	450	20.93%

These details have been culled out from the copies of the documents filed by the school during the course of hearing/verification by the Committee. The Committee is of the view

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that the extent of hike in fee effected by the school cannot be justified on any parameter and to the extent the hike is in excess of 10%, the same ought to be refunded to the students along with interest @ 9% per annum. Further, since such hike is part of the fee for the subsequent years also, the fee for those years, to the extent they are relatable to the amount of fee that the Committee has recommended to be refunded, ought also be refunded along with interest @ 9% per annum from the date of collection to the date of refund.

However, it would be in order to add a caveat here. Since the school claims to have charged fee at lesser rates from the students who migrated from its earlier premises situated at Vishwas Nagar, Shahdra, as compared to the fee charged from the new students admitted at its new premises and this claim has also been verified by the audit officer of the Committee, the amount of refund would accordingly be different for these two categories of students. The actual amount of refund ought to be calculated with reference to the actual fee charged from the old students in the years 2008-09 and 2009-10.

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Vivekanand International School, I.P. Extension, Patparganj,**Delhi-110092****Development Fee:**

In reply to the questionnaire regarding development fee, the school stated that it was charging development fee in all the five years for which information was sought. However, such fee was charged only at the time of new admissions. No details were given regarding the specific assets acquired out of development fee. During the course of hearing, the representative of the school conceded that the development fee was treated as a revenue receipt.

The Committee is of the view that the school was not fulfilling any of the pre conditions for charging development fee as laid down by the Duggal Committee which were subsequently affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India (2004) 5 SCC 583. The Committee is therefore of the view that the development fee charged by the school was not in compliance with the law and therefore, the same was unjustified. However, since the Committee has mandated to examine the fee charged by the school in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its recommendations to the development fee charged in 2009-10 and 2010-11. As per the information furnished by the school, the school collected a sum of Rs. 43,900 as development fee in 2009-10 and Rs. 1,20,900 in 2010-11.



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Vivekanand International School, I.P. Extension, Patparganj,**Delhi-110092**

The school ought to refund these amounts along with interest @ 9% per annum from the date of collection to the date of refund.

Recommendations:

In view of the above discussion and determinations, the Committee recommends as follows:

(a) The school ought to refund the fee hike effected by the school in 2009-10, to the extent the hike exceeds 10% over the fee of 2008-09, along with interest @ 9% per annum from the collection to the date of refund. The amount of refund is to be calculated with reference to the actual fee charged from the old students in 2008-09 and 2009-10.

(b) The school ought to refund the development fee amounting to Rs. 43,900 in 2009-10 and Rs. 1,20,900 in 2010-11 along with interest @ 9% per annum from the date of collection to the date of refund.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

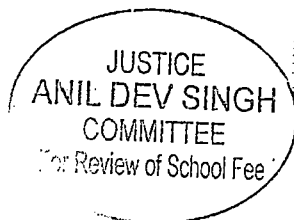
Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014

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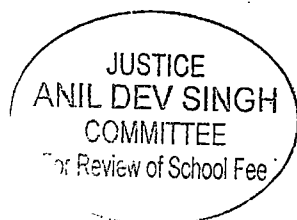


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Secretary

Rajdhani Public School, Narela, Delhi - 40

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1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 and had implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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4. With a view to verify the returns, the Office of the Committee vide its notice dated 08.07.2013 required the school to appear on 19.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. Sh. Abbas Ali, Manager of the school attended the Office of the Committee on 08.07.2013 and produced the record along with the reply to the questionnaire. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. July, 2010 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. It was also claimed that the school had not charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

(i). The school had increased tuition fee in 2009-10, by Rs.50/- to Rs.100/- per month for different classes. During 2010-11, the school had hiked fee by Rs.80/- to Rs.150/- per month for different classes in terms of the order of the Director of Education dated 11.02.2009.

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- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. July, 2010.
- (iii). The salary to the staff had been paid in cash, in spite of the school having two bank accounts.
- (iv). No TDS deduction was made from the salary.
- (v). The salary had not been paid for one full month to almost all the members of the staff during the year 2010-11.

7. By notice dated 13.05.2014 the school was asked to appear on 02.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 02.06.2014, Shri Abbas Ali, Manager, Shri Mange Ram, Member (MC) and Shri Ram Niwas Jain, Accountant of the school appeared before the Committee. They initially contended that the school had implemented the recommendations of the 6th Pay Commission w.e.f. July, 2010, but when confronted with the observations of the Audit Officer of the Committee, they conceded that the recommendations of the 6th Pay Commission, in fact, had not been implemented. They stated that the school, during 2009-10 had hiked the fee within the tolerance



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Rajdhani Public School, Narela, Delhi - 40

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limit of 10%, but during 2010-11, the hike was in terms of the order of the Director of Education dated 11.02.2009.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
Pre-school	250	250	Nil	350	100
Pre-primary	295	350	55	450	100
I and II	420	470	50	550	80
III to V	450	500	50	580	30
VI to VIII	550	600	50	680	80
IX	750	850	100	950	100
X	850	950	100	1100	150

10. From the above, it is manifest that the school has increased the fee during the years 2009-10 for classes IX and X in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, fee has been hiked by more than 10% for the same classes.

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11. As regards the question of implementation of the recommendations of the 6th Pay Commission is concerned, the school has admittedly not implemented the same.

12. As per the record produced before us, the school had not charged development fee from the students.

Discussion and Recommendations

Regarding Tuition Fee: -

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee for classes IX and X without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike for classes IX and X effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent



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years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded for classes IX and X along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014



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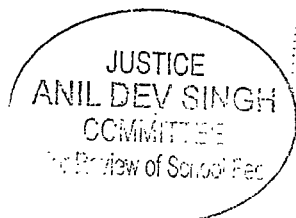
Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018

In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school vide email dated 02/03/2012 submitted that the school had implemented the VI Pay Commission report prospectively w.e.f. 01/07/2010. It was further stated that the school neither collected any arrear fee from the parents nor paid any arrear salary to the staff which became due on account of retrospective application of VI Pay Commission report w.e.f. 01/01/2006. It explained that the school had very small number of students and with the moderate fee structure and weak financial position of the school, it was not economically viable to pay arrears of salary.

With regard to hike in fee in pursuance of order dated 11/02/2009 issued by the Director of Education, the school gave a very ambivalent reply to the effect that the school never increased the fee in the middle of any academic session, after submission of statement fee under section 17 (3) of Delhi School Education Act, 1973.

Based on the reply to the questionnaire, the school was placed in category 'B'.

On reviewing the financial statements and other documents received through the Dy. Director of the District and the reply to the questionnaire issued by the Committee, the Committee felt that the information furnished by the school was not adequate and specific for examining the justifiability of hike in fee. In fact, it was not clear from



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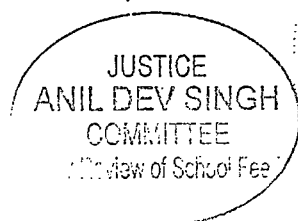

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Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018

the reply submitted by the school whether it had hiked the fee at all in pursuance of the aforesaid order dated 11/02/2009. The Committee, therefore, issued a revised questionnaire to the school vide its letter dated 06/08/2013 and in this questionnaire, specific queries were raised with regard to the collection and utilisation of development fee also, besides the queries relating to the implementation of VI Pay Commission report and the fee hiked by the school for that purpose.

The school submitted its reply to the revised questionnaire under cover of its letter dated 24/05/2013. With regard to the implementation of VI Pay Commission report and collection of arrear fee and payment of arrear salary, the school reiterated the submissions made by it in reply to the original questionnaire. However, in evidence of implementation of VI Pay Commission report w.e.f. 01/07/2010, the school filed copies of the salary sheets for the month of June 2010 and July 2010 showing aggregate salary of Rs. 2,17,920 and Rs. 2,39,998 respectively. Effectively, the school stated that as a result of implementation of VI Pay Commission, its monthly salary bill increased by Rs. 22,078.

As regards hike in fee pursuant to order dated 11/02/2009 issued by the Director of Education in the year 2009-10, the school enclosed details of tuition fee charged by the school in 2008-09 and 2009-10. The details as furnished by the school are as follows:



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Class	Monthly Tuition fee in 2008-09 (Rs.)	Monthly tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)	Percentage increase
Pre school	850	1050	200	23.53%
Pre primary to V	880	1050	170	19.32%
VI & VIII	990	1150	160	16.16%
IX & X	1200	1500	300	25.00%
XI & XII	1300	1600	300	23.08%

The replies of the school with regard to questions regarding development fee will be adverted to when we discuss the issue of development fee.

In order to verify the contentions of the school, the Committee, vide its letter dated 19/07/2013 required the school to produce its fee records, salary records, books of accounts, bank statements, provident fund returns and TDS returns, for the years 2008-09 to 2010-11 on 21/08/2013, in the office of the Committee. On the date fixed for verification, Sh. R.G. Luthra, Chartered Accountant, appeared and produced the required records which were verified by Sh. A.D. Bhateja, audit officer of the Committee. After examining the records produced by the school and the annual returns filed by the school under Rule 180 of Delhi School Education Rules, 1973, he observed as follows:

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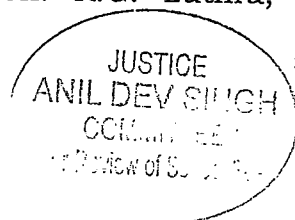
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COMMITTEE
Review of School Fee

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Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018

- (i) The contention of the school that it implemented the VI Pay Commission report w.e.f. 01/07/2010 was not entirely correct in so far as the school was paying only basic pay, grade pay and DA @ 22%. Other allowances like HRA and TA were not being paid.
- (ii) Even after purportedly implementing the VI Pay Commission report, the school was not paying the entire salary through banking channels and the school never deducted any TDS or provident fund. Consequently it did not file any returns.
- (iii) Though the school had hiked the tuition fee in accordance with the order dated 11/02/2009 of the Director of Education, the school was actually collecting lesser fee than the fee mentioned in the schedules from a good number of students.
- (iv) No discrepancy was observed in the maintenance of accounts by the school. In the year 2010-11, the school had taken aid from its Parent Society, amounting to Rs. 17,97,285.

The school was issued a notice dated 13/05/2014 for providing it an opportunity of being heard by the Committee on 04/06/2014. On this date, Dr. Keswani, General Secretary of the Society appeared with Sh. R.G. Luthra, Chartered Accountant. They filed written



Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018000127

submissions dated 04/06/2014, justifying the fee hike. They were heard by the Committee. Besides reiterating their written submissions, they:

- (i) conceded that while the fee was hiked w.e.f. 01/04/2009, the VI Pay Commission was only partially implemented and that too w.e.f. 01/07/2010.
- (ii) contended that a substantial part of the salary was paid directly by the Society, after implementation of VI Pay Commission Report.
- (iii) conceded that even after implementation of VI Pay Commission report, no TDS was deducted from the salary of the staff.
- (iv) contended that the school had very low student strength and out of them, a large percentage of students enjoyed fee concessions on one account or the other.
- (v) The aggregate revenue from fee and the aggregate expenditure on salary for the years 2008-09 and 2009-10 were as follows:

Particulars	2008-09	2009-10	2010-11
Total tuition fee	7,41,195	8,94,565	10,54,720
Total salary	11,70,734	13,41,844	28,15,532
Excess of salary over tuition fee	4,29,539	4,47,279	17,60,812

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COMMITTEE
in view of School Fee

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- (vi) A large percentage of students were enjoying fee concessions like sibling concession, EWS concession and other concession. During the course of hearing, the school furnished details of the total number of students vis a vis those paying full fee and those enjoying fee concessions on one account or the other. The details as furnished by the school are as follows:

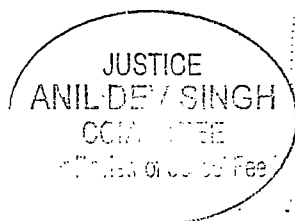
Year	Total no. of students	No. of full fee paying students	No. of students enjoying concessions
2008-09	88	29	59
2009-10	94	26	68
2010-11	107	26	71

- (vii)

Discussion & Determination regarding tuition fee:

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the Committee, the observations of the audit officer, the details provided by the school during the course of hearing, and the written and oral submissions made by the representatives of the school during the course of hearing.

Though the Committee is of the view that the school was not justified in hiking the fee in pursuance of order dated 11/02/2009 issued by the Director of Education, w.e.f. 01/04/2009, as the school

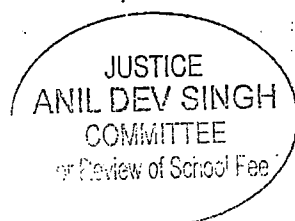


Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018 000129

only nominally implemented the VI Pay Commission report and that too w.e.f. 01/07/2010 and the Committee has serious reservations with the contention of the school that the salary bill in 2010-11 rose to Rs. 28,15,532 from Rs. 13,41,844 in 2009-10 in view of the fact that in the reply to the questionnaire, the school stated that its salary bill for June 2010 (prior to implementation) was Rs. 2,17,920 which nominally rose to Rs. 2,39,998 for July 2010 i.e. a mere increase of Rs. 22,078 per month, the Committee feels that this is not a fit case where it should recommend a refund of fee, for the reason that the school had very low student strength during the years 2008-09 to 2010-11 and out of that too, the number of full fee paying students was miniscule. In 2009-10, it was just 26. Thus the full effect of fee hike in 2009-10 was borne by only these 26 students. As noticed supra, the audit officer of the Committee has confirmed that the school was not charging full fee as per the fee schedule from a large number of students. The Committee has also verified from the financials of the school that the school hardly had any surplus funds in reserve.

In view of the foregoing discussion, the Committee is of the view that no intervention is called for qua the tuition fee.

Development Fee:



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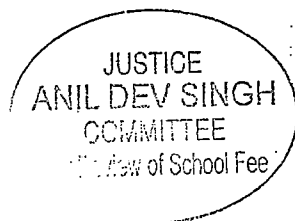
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Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018

In reply to the questionnaire regarding development fee, the school furnished the following information of collection and utilisation of development fee:

Year	Development fee collected (Rs.)	Development fee utilised (Rs.)	Manner of utilisation
2006-07	17,100	4,170	Purchase of furniture & fixture
2007-08	14,900	329	Purchase of library books
2008-09	24,450	4,736	Purchase of equipments and library books
2009-10	16,500	746	Purchase of equipments and library books
2010-11	22,050	22,510	Purchase of furniture and fixture & equipments
Total	95,000	32,491	

It was further stated that the development fee was charged from only the new students and it was treated as a capital receipt but neither any development fund account was maintained nor any depreciation reserve fund account was maintained.

Discussion & Determination regarding development fee:

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Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018 000131

The Committee has considered the reply of the school to the questionnaire issued by it and also examined the audited financials of the school. In so far as the school admits that it was neither maintaining any development fund account nor any depreciation reserve fund account, the Committee is of the view that the school was not complying with the pre conditions laid down by the Duggal Committee for charging development fee which were upheld by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. Further, the Committee is of the view that the school hardly had any development plans in view of the nominal amount utilised by it for permitted purposes. Charging of development fee would be justified only where the school has definite development plans. The Committee is therefore of the view that the school ought to refund the development fee charged in 2009-10 and 2010-11 along with interest @ 9% per annum from the date of collection to the date of refund. The Committee is restricting its recommendations for the years 2009-10 and 2010-11 as the mandate of the Committee is only to examine the fee charged in pursuance of order dated 11/02/2009 issued by the Director of Education. With regard to the earlier years, it is for the Director of Education to take a view in the matter. The Committee has consciously made no allowance for keeping any funds in reserve for future contingencies or gratuity liability (Leave encashment liability is not even claimed by the school). This is for the reason that the Committee is not convinced of the claim

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ANIL DEV SINGH
COMMITTEE
Review of School Fee

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Pusa Public Sr. Sec. School, Vikas Puri, New Delhi-110018

of the school of having implemented the VI Pay Commission report, even partially.

Recommendations:

The Committee, therefore, recommends that the school ought to refund a sum of Rs. 16,500 charged as development fee in 2009-10 and Rs. 22,050 charged in 2010-11, along with interest @ 9% per annum from the date of collection to the date of refund.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 01/08/2014

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1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
Review of School Fee

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Secretary

Oxford Modern Public, Mandoli Road, Shahdara, Delhi - 32

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4. With a view to verify the returns, the Office of the Committee vide its notice dated 19.09.2013, required the school to appear on 09.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 09.10.2013, Sh. Kuldeep Tyagi, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01.04.2010 and had hiked the fee w.e.f. 01.04.2010, in terms of the order of the Director of Education dated 11.02.2009.
6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -
- (i). the school has claimed to have implemented the recommendations of the 6th Pay Commission partially.
 - (ii). HRA and DA has not been paid as per the prescribed rates.
 - (iii). T.D.S. has never been deducted from the salary of the staff.
 - (iv) The school hiked tuition fee in 2009-10 and 2010-11 by Rs.100/- p.m., for all classes.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
Review of School Fee

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Secretary

Oxford Modern Public, Mandoli Road, Shahdara, Delhi - 32 000135

7. By notice dated 16.07.2014, the school was asked to appear on 01.08.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 01.08.2014. Sh. Kuldeep Tyagi, Manager of the school appeared before the Committee and provided the records. It has been contended by the school representatives that:-

- (i) The school has not implemented the recommendations of the 6th Pay Commission, in-spite of hike in fee.
- (ii). The school hiked tuition fee by Rs.100/- p.m. in 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, hike in fee was by Rs.100/- p.m. for all classes.
- (iii) The school charged development fee inadvertently in 2008-09 only. It was not collected further in any year.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -



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Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	300	400	100	500	100
VI-VIII	400	500	100	600	100

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11 also there was hike in fee by Rs.100/-.

11. Admittedly, the school has not implemented the recommendations of the 6th Pay Commission.

12. As per the available record, the school has charged development fee during 2008-09 only.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the

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JUSTICE
ANIL DEV SINGH
COMMITTEE
Director of School Fee

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Secretary

Oxford Modern Public, Mandoli Road, Shahdara, Delhi - 32 000137

Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re. Development Fee.

The school has charged development fee during 2008-09 only. Since, the school has not charged development fee during the years 2009-10 and thereafter, in pursuance of the order of the Director of Education dated 11.02.2009; therefore no recommendations are made regarding refund of the same.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

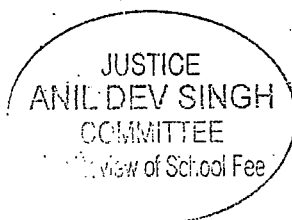
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

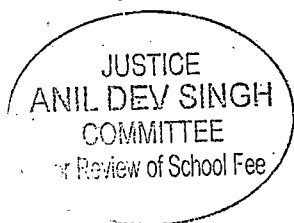
Dated:-01.08.2014

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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

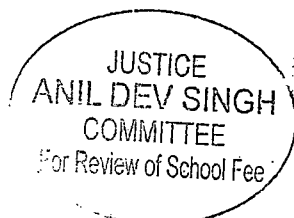
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Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 17.10.2013 required the school to appear on 31.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. No one attended the Office of the Committee on 31.10.2013. The school was provided another opportunity to produce its record on 27.11.2013. The Vice-Principal of the school vide its letter dated 27.11.2013 requested for some more time to produce the record of the school. At its request, the school was directed to produce the record on 09.12.2013.

5. On 09.12.2013, Sh. Nav Deep Ahluwalia, Manager of the school attended the Office of the Committee and produced the record. The reply to the questionnaire was filed on 16.12.2013. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had charged development fee from the students.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -



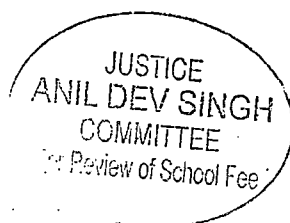
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Secretary

Taksila Public School, Jyoti Colony Extn., Delhi - 94 000140

- (i). The school had increased tuition fee in 2009-10, by Rs.200/- to Rs.400/- per month for different classes in terms of the order of the Director of Education, dated 11.02.2009. During 2010-11, the hike was by 10%,
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.
- (iii). The school had not deducted TDS from the salary of the staff.

7. By notice dated 13.05.2014 the school was asked to appear on 05.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 05.06.2014, Ms. Deepika Anand, Supdt., with Shri Rajeev Kumar, TGT of the school appeared before the Committee. It was conceded by them that the school hiked the fee in 2009-10 in terms of the order of the Director of Education, dated 11.02.2009, but the recommendations of the 6th Pay Commission had not been implemented. It was also stated that the school charged development fee which was treated as revenue receipt in the accounts and neither any development fund nor any depreciation reserve fund was maintained.



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W
Secretary

Taksila Public School, Jyoti Colony Extn., Delhi - 94

000141

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to II	850	1050	200	1150	100
III to V	950	1150	200	1250	100
VI to VIII	1150	1450	300	1600	150
IX and X	1300	1600	300	1760	160
XI and XII	1580	1980	400	2180	200

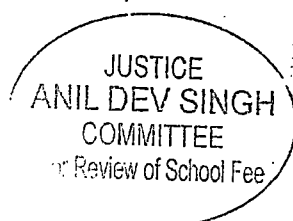
10. From the above, it is manifest that the school has increased the fee during the years 2009-10 in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was by 10%.

11. The school admittedly has not implemented the recommendations of the 6th Pay Commission.

Discussion and Recommendations

Re. Fee Hike

The school has utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10 without



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[Signature]
Secretary

Taksila Public School, Jyoti Colony Extn., Delhi - 94 000142

implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, since the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re. Development Fee.

The school has charged development fee from the students in the following manner:-

<u>Year</u>	<u>Amount</u>
2009-10	* Rs.16,01,104-00
2010-11	Rs.18,00,645-00

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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M
Secretary

Taksila Public School, Jyoti Colony Extn., Delhi - 94

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The school has admitted that development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

In the circumstances, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. Therefore, the Development Fee charged by the school to the tune of Rs.34,01,749.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. This being so, the school ought to refund the aforesaid development fee along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014



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W
Secretary

Sadh Nagar Part-1, Palam Colony, New Delhi - 45

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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Secretary

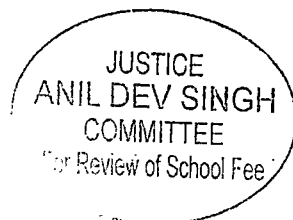
Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School,Sadh Nagar Part-1, Palam Colony, New Delhi - 45

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4. With a view to verify the returns, the Office of the Committee vide its notice dated 10.07.2013 required the school to appear on 30.07.2013 and to produce the entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. Sh. Rakesh Kumar, TGT and Shri Manoj Kumar, PET of the school attended the Office of the Committee on 30.07.2013, and produced the record along with the reply to the questionnaire. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01-03-2011 and had hiked the fee in terms of the order of the Director of Education dated 11.02.2009, w.e.f. 01-09-2008. It was also admitted that the school had charged development fee from the students.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10, by Rs.200/- per month for classes VI to X and by Rs.300/- per month for classes XI and XII. During 2010-11, the school had hiked fee by Rs.150/-

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Secretary

Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School,Sadh Nagar Part-1, Palam Colony, New Delhi - 45

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per month for classes VI to X and by Rs.200/- for classes XI to XII, which was an increase of about 14.28%.

(ii). The school has stated to have implemented the recommendations of the 6th Pay Commission w.e.f. March, 2011, but had not paid DA as per prescribed norms.

(iii). The school had collected development fee by Rs.1000/- from the newly admitted students in 2009-10 and 2010-11.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, Shri Rakesh Kumar, TGT and Shri Manoj Kumar, PET of the school appeared before the Committee. It was fairly conceded by them that though, the school increased the fee in terms of the order of the Director of Education dated 11.02.2009, w.e.f. September, 2008, the recommendations of the 6th Pay Commission had been implemented only



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Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School ,Sadh Nagar Part-1, Palam Colony, New Delhi - 45

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w.e.f. March, 2011. It was also stated that the school charged development fee from the newly admitted students only and the same had been treated as revenue receipts and neither, development fund nor, depreciation reserve fund had been separately maintained.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
VI	850	1050	200	1200	150
VII & VIII	900	1100	200	1250	150
IX & X	1000	1200	200	1350	150
XI & XII	1200	1400	200	1600	200

11. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, fee has been hiked by more than 10%.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

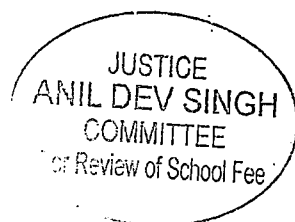
Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School ,**Sadh Nagar Part-1, Palam Colony, New Delhi - 45**

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12. As regards the question of implementation of the recommendations of the 6th Pay Commission is concerned, the school has claimed to have implemented the same w.e.f. March, 2011, but DA had not been paid as per the recommendations of the Commission. Therefore, the claim of the school to have implemented the recommendations of the 6th Pay Commission cannot be accepted by the Committee.

Discussion and Recommendations**Regarding Tuition Fee: -**

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.



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Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School ,

Sadh Nagar Part-1, Palam Colony, New Delhi - 45

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Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re.: Development Fee

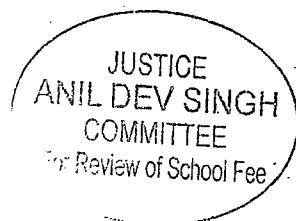
The school has charged development fee from the students in the following manners: -

<u>Year</u>	<u>Amount</u>
2009-10	Rs.1,35,000-00
2010-11	Rs.1,30,000-00

The school had admitted that development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

Thus, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in

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W
Secretary

Ram Chandra Sanatan Dharam Modern Public Sr. Sec. School ,

Sadh Nagar Part-1, Palam Colony, New Delhi - 45 000150

the case of Modern School Vs. Union of India & Ors. Therefore, the Development Fee charged by the school to the tune of Rs.2,65,000.00, during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law, ought to be refunded along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014



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Deep Parmarth Secondary School, Palam, New Delhi - 77 000151

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



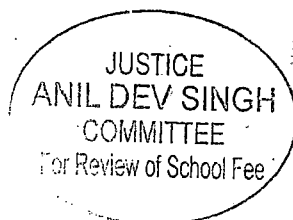
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Secretary

Deep Parmarth Secondary School, Palam, New Delhi - 77 000152

4. With a view to verify the returns, the Office of the Committee vide its notice dated 10.07.2013 required the school to appear on 25.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 25.07.2013, Ms. Meena Sehrawat, Manager of the school attended the Office of the Committee. She submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. July, 2010 and had hiked the fee in terms of the order of the Director of Education dated 11.02.2009, w.e.f. April, 2009. The school had not charged development fee from the students.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10, by Rs.80/- to Rs.140/- per month for different classes. During 2010-11 also, the hike had been by Rs.50/- to Rs.80/-.

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Secretary

Deep Parmarth Secondary School, Palam, New Delhi - 77

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- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission, but DA and HRA was not paid as per the prescribed norms.
- (iii). The salary to some of the staff had been paid through bank transfer while for others, through bearer cheques.
- (iv). TDS from the salary of the staff members had been deducted during 2010-11.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, no one appeared on behalf of the school before the Committee. However, a request for an adjournment of hearing was received in the Committee. At the request of the school, the matter was adjourned to 09-07-2014.

9. On 09.07.2014, Ms. Meena, Manager and Shri Brijesh Gupta, Accountant of the school appeared before the Committee. It was contended by them that the school hiked the fee in 2009-10 by 20%, but

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Secretary

Deep Parmarth Secondary School, Palam, New Delhi - 77 00015A

partially implemented the recommendations of the 6th Pay Commission w.e.f. July, 2010. It was further contended that despite the fee hike in April, 2009, the financial position of the school did not allow it to implement the recommendations of the 6th Pay Commission from April, 2009 on account of low enrolment of the students. The representatives of the school also confirmed that the development fee had not been charged from the students.

10. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	410	490	80	540	50
II	430	510	80	560	50
III	440	520	80	570	50
IV	520	620	100	680	60
V	530	630	100	690	60
VI	660	790	130	860	70
VII	680	810	130	890	80
VIII	700	840	140	920	80
IX	720	860	140	940	80
X	740	880	140	960	80

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

11. From the above, it is manifest that the school has increased the fee during the years 2009-10, marginally less than the limit prescribed in the order of the Director of Education dated 11.02.2009, but in excess of the tolerance limit of 10%. During 2010-11, the hike was within 10%.
12. The school representatives, during the course of hearing, has admitted that the recommendations of the 6th Pay Commission had been partially implemented, w.e.f. July, 2010.
13. As per record, the school has not charged development fee.

Discussion and Recommendations

Re. Fee Hike

Though, the school has not utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee in 2009-10 up to the maximum extent as permitted vide the aforesaid order, yet, the hike in fee was more than the tolerance limit of 10%. The contention of the school that it had implemented the recommendations of the 6th. Pay Commission partially, w.e.f July 2010, does not entitle it to enhance the fee more than the tolerance limit of 10% w.e.f. April 2009. Therefore, we are of the view that the

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ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Deep Parmarth Secondary School, Palam, New Delhi - 77

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increase in fee in excess of the tolerance limit of 10%, was unjustified. In such circumstances, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-25.07.2014



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Secretary

H.S. Public School, Jwala Puri Road, Nangloi, Delhi-41 000157

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
View of School Fee

TRUE COPY


Secretary

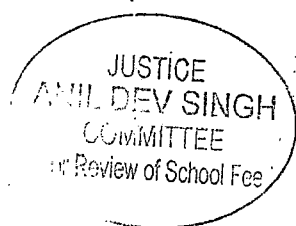
4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.06.2013 required the school to appear on 28.06.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

Mrs. Raj Rani, HM of the school attended the Office of the Committee on 28.06.2013, but did not produce any record. At the request of the school representative, the school was directed to produce its record on 03.07.2013.

5. On 03.07.2013, Mrs. Raj Rani, HM of the school appeared before the Committee. She submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, by Rs.150/- per month for classes I to V and by Rs.200/- per month for classes VI to VIII. The school did not hike fee in 2010-11.



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W
Secretary

- (ii). The salary to the staff had been paid on pre-revised scale, thereby the school had not implemented the recommendations of the 6th Pay Commission.
- (iii). The salary is paid in cash in spite of the school having a bank account.
7. By notice dated 02.05.2014 the school was asked to appear on 13.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 13.05.2014, Shri Sachin Sharma, C.A., of the school appeared before the Committee. It was fairly conceded by him that although, the school hiked the fee in 2009-10 in terms of the order of the Director of Education dated 11.02.2009, the recommendations of the 6th Pay Commission had not been implemented. It was also stated that the school did not charge development fee.
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

59

JUSTICE
ANIL DEV SINGH
COMMITTEE
Director of School Fee

TRUE COPY

W
Secretary

H.S. Public School, Jwala Puri Road, Nangloi, Delhi-41 000160

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	550	700	150	700	Nil
VI to VIII	600	800	200	800	Nil

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was no hike in fee.

11. The school has not implemented the recommendations of the 6th Pay Commission.

12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and Recommendations

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without



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W
Secretary

H.S. Public School, Jwala Puri Road, Nangloi, Delhi-41 000161

implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

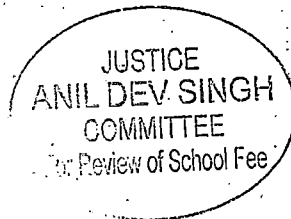
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

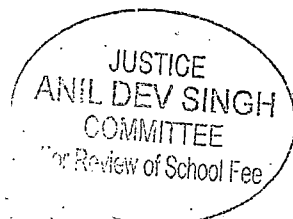
Dated:- 29.05.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



TRUE

N
Secretary

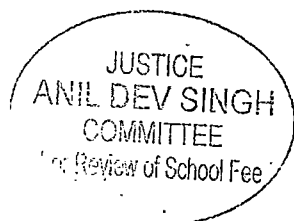
C.R. Saini Sec. Public School, Saini Vihar, Nangloi, Delhi - 41

.. 000163

4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.06.2013 required the school to appear on 28.06.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. Sh. K.K. Saini, Manager and Sh. Mahipal Singh, Accountant of the school attended the Office of the Committee on 28.06.2013, but did not produce any record. At the request of the aforesaid representatives of the school, they were given time to produce the record on 08.07.2013.

5. On 08.07.2013, Sh. K.K. Saini, Manager requested for another date to produce the record. He was directed to produce the record on 19.07.2013. No one attended the office of the Committee on 19.07.2013. The Principal of the school vide its letter dated 22.07.2013, expressed its inability to produce the record of the school and requested to extend the date for the verification of record. The school was provided final opportunity to produce the record on 02.08.2013. Again, no one attended the Office on the scheduled date.

6. On 05.08.2013, at about 03.20 p.m. Sh. Sanjeev Kumar, T.G.T. and Sh. Sachin Sharma, C.A. attended the office of the Committee. They submitted reply to the questionnaire and produced the record. As per the



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W
Secretary

C.R. Saini Sec. Public School, Saini Vihar, Nangloi, Delhi - 41

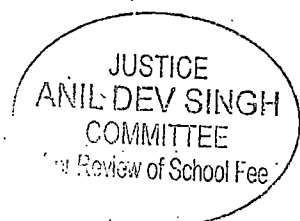
000164

reply, the school had partially implemented the recommendations of the 6th Pay Commission w.e.f. July 2009 and had hiked the fee in terms of the order of the Director of Education dated 11.02.2009. It was also claimed that the school had not charged development fee from the students.

7. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, by Rs.200/- per month for all classes. During 2010-11, the school had hiked fee within the range of 10%.
- (ii). The school had paid only basic pay in terms of the recommendations of the 6th Pay Commission. It, therefore, claimed to have partially implemented the recommendations of the 6th Pay Commission w.e.f. July 2009.
- (iii). In spite of the school having a bank account, the salary was paid in cash without deducting T.D.S.

8. By notice dated 02.05.2014 the school was asked to appear on 30.05.2014 along with entire accounting, fee and salary records for the



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Secretary

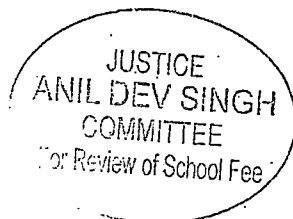
C.R. Saini Sec. Public School, Saini Vihar, Nangloi, Delhi - 41

000165

years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

9. On 30.05.2014, Shri Mahipal Singh, Accountant and Sh. Sanjeev Kumar, T.G.T. of the school appeared before the Committee. It was fairly conceded by them that the recommendations of the 6th Pay Commission had not been implemented due to lack of resources. They also stated that the school hiked the fee in 2009-10 in terms of the order of the Director of Education dated 11.02.2009, but on protest by the parents, large number of students, particularly the girls were granted fee concession. They, however, were not able to produce any documentary evidence to support their claim of granting concessions to the students. It was also stated that the school did not charge development fee.

10. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:



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Secretary

C.R. Saini Sec. Public School, Saini Vihar, Nangloi, Delhi - 41

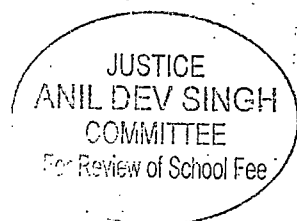
000166

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	540	740	200	800	60
II	550	750	200	810	60
III	560	760	200	820	60
IV	570	770	200	830	60
V	580	780	200	840	60
VI	590	790	200	850	60
VII	600	800	200	880	80
VIII	600	800	200	880	80
IX	750	950	200	1040	90
X	750	950	200	1040	90

11. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, fee has been hiked within the range of 10%.

12. The school admittedly has not implemented the recommendations of the 6th Pay Commission.

13. As per the record filed before us, the school has not charged development fee from the students.



TRUE COPY

W
Secretary

C.R. Saini Sec. Public School, Saini Vihar, Nangloi, Delhi - 41

000167

Discussion and Recommendations

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 03.06.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

TRUE COPY

W
Secretary

Broadways Public School, Janki Puri, New Delhi-71 000169

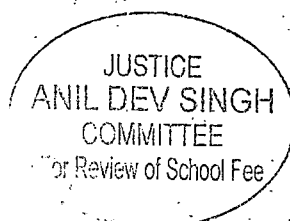
4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.06.2013 required the school to appear on 03.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 03.07.2013, Mrs. Raj Bhatia, Manager of the school appeared before the Committee. She submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee from the students.

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -

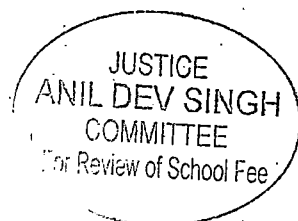
- (i). The school had increased tuition fee in 2009-10, by 19.7% to 25% per month for different classes. During 2010-11 the hike had been between 8.7% to 9.5%.
- (ii). The salary to the staff had been paid on pre-revised scale, thereby the school had not implemented the recommendations of the 6th Pay Commission.

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Secretary

7. By notice dated 15.05.2014 the school was asked to appear on 04.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 04.06.2014, Shri C.M. Bhatia, Chairman of the society and Mrs. Raj Bhatia, Manager, of the school appeared before the Committee. It was conceded by them that although, the school hiked the fee in 2009-10 in excess of the permissible limit of 10%, but not in terms of the order of the Director of Education dated 11.02.2009. The recommendations of the 6th Pay Commission had not been implemented. It was also stated that the school did not charge development fee.
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:



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Secretary

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	330	400	70	435	35
II	360	450	90	490	40
III	380	475	95	520	45
IV	400	500	100	545	45
V	425	525	100	575	50
VI	430	525	95	575	50
VII	480	575	95	625	50
VIII	500	600	100	655	55

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009 for classes IV, V and VIII. The hike for remaining classes was in excess of the tolerance limit of 10%. During 2010-11, the hike was within 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission.

12. As per the record filed before us, the school has not charged development fee from the students.



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W
Secretary

Discussion and Recommendations**Re: Fee Hike**

The school has utilized the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee of classes IV, V and VIII to the full extent. In respect of the remaining classes, it has enhanced the fee beyond the tolerance limit of 10%. Since the school has not implemented the recommendations of 6th Pay Commission, we are of the view that the increase in fee of all classes in excess of the tolerance limit of 10% was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014

2

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

TRUE COPY

Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

000173

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



TRUE COPY

A handwritten signature in blue ink above the word "Secretary".
Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

000174

4. With a view to verify the returns, the Office of the Committee vide its notice dated 01.07.2013 required the school to appear on 15.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 04.07.2013, the Office of the Committee received an email from the Principal of the school expressing their inability to produce the record of the school on 15.07.2013. At its request, the school was directed to produce the record on 05.08.2013.

5. On 05.08.2013, Sh. Ravi Sharma, Manager of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2011 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had charged development fee from the students.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -

(i). The school had increased tuition fee in 2009-10, by Rs.95/- to Rs.205/- for different classes in terms of the order of the Director



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Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

000175

of Education dated 11.02.2009. During 2010-11 the hike had been by 9% to 25% for different classes.

- (ii). The school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2011
- (iii). The salary to the staff had been paid in cash without deducting TDS even after the purported implementation of the recommendations of the 6th Pay Commission
- (iv). The school did not have a TAN.

7. By notice dated 15.05.2014 the school was asked to appear on 04.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 04.06.2014, Shri Ravi Sharma, Manager, Shri R.S. Panwar, Office Assistant and Shri S.P. Singh, Accountant, of the school appeared before the Committee. It was contended by them that the recommendations of the 6th Pay Commission had been implemented in



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Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

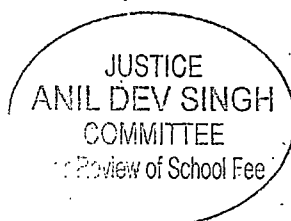
000176

2011-12, however, despite such implementation; no TDS was deducted from the salary of any of the staff members. It was conceded that the school hiked the fee w.e.f. 2009-10, in terms of the order of the Director of Education dated 11.02.2009, but did not charge development fee.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
Nursery to UKG	Nil	450	Nil	550	100
I to V	455	550	95	600	50
VI to VIII	520	720	200	900	180
IX	645	845	200	925	80
X	760	965	205	1055	90

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was even more



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Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

000177

than 10% for classes Nursery to UKG and VI to VIII but for remaining classes, the hike was within 10%.

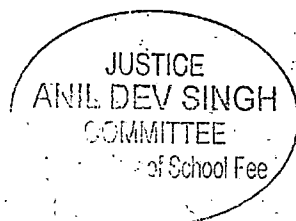
11. The school has claimed to have implemented the recommendations of the 6th Pay Commission, but the salary to the staff had been paid in cash without deducting TDS. So much so, the school did not have a TAN. Therefore, its claim to have implemented the recommendations of the 6th Pay Commission cannot be accepted by the Committee.

12. As per record produced before us, the school did not charge development fee.

Discussion and RecommendationsRe. Fee Hike

The school has utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10 without implementing the recommendations of the 6th Pay Commission. Therefore, we are of the view that the increase in fee in excess of the tolerance limit of 10% was unjustified. In the circumstances, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along

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Secretary

Shanti Ideal Convent Public School, Jai Vihar-III, New Delhi-43

000178

with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014

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Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05

.. 000179

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Page 1 of 6

Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05 000180

4. With a view to verify the returns, the Office of the Committee vide its notice dated 01.07.2013 required the school to appear on 15.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 15.07.2013 the Manager of the school, vide its letter of even date requested for some more time to produce the record of the school. At its request the school was directed to produce the record on 12.08.2013.

5. On 12.08.2013, Sh. Anil Kumar Dhingra, Manager of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had charged development fee from the students.

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -

(i). The school had increased tuition fee in 2009-10, by 16.5% per month for all classes. During 2010-11 the hike had been by

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05

000181

Rs.100/-, in terms of the order of the Director of Education, dated 11.02.2009.

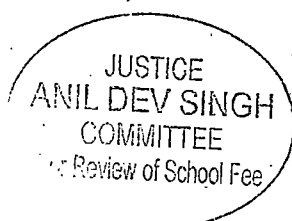
(ii). The school had not implemented the recommendations of the 6th Pay Commission.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, Shri Anil Dhingra, Manager and Sh.Vasu Dev Sharma P/T Accountant, of the school appeared before the Committee. It was conceded by them that the school hiked the fee in 2009-10 by 13.98% and in 2010-11 by 22.22%. The recommendations of the 6th Pay Commission had not been implemented. It was also stated that the school charged development fee which was treated as revenue receipt in the accounts and neither any development fund nor any depreciation reserve fund was maintained.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

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Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05

000182

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
VI to VIII	386	450	64	550	100

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in excess of the tolerance limit of 10%, but not in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was in terms of the aforesaid order.

11. The school has not implemented the recommendations of the 6th Pay Commission.

Discussion and Recommendations**Re. Fee Hike**

Though, the school has not utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10, yet, the hike was more than the tolerance limit of 10%. During 2010-11, the hike was in terms of the aforesaid order.



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Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05

000183

Since the school has not implemented the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re. Development Fee.

The school has charged development fee from the students in the following manner:-

<u>Year</u>	<u>Amount</u>
2009-10	Rs.60, 300. 00
2010-11	Rs.73, 200.00

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

Secretary

Shri Nijatam Prem Vidyalaya, Anand Parbat, New Delhi-05

000186

The school had admitted that development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

Thus, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. Therefore, the Development Fee charged by the school to the tune of Rs.1,33,500.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. In the circumstances, the development fee ought to be refunded along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

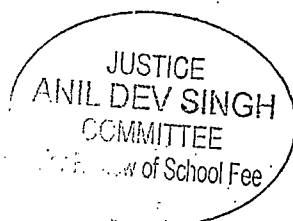
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

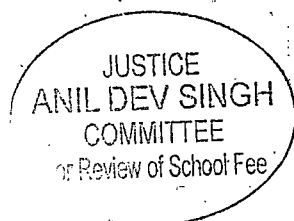
Dated:- 14.07.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 01.07.2013 required the school to appear on 16.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 16.07.2013, Shri D.S.Mathur, Manager and Shri V.B. Aggrawal, C.A. of the school attended the office of the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had hiked the fee w.e.f. April 2010, in terms of the order of the Director of Education dated 11.02.2009. The school had not charged development fee from the students.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10, by Rs.100/- per month for classes IX and X, and there was no hike for other classes. During 2010-11, fee hike was between Rs.150/- to Rs.250/- for different classes.



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Secretary

- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. January 2010, but D.A. had not been paid as per the prescribed norms.
- (iii). The salary to only three members of the staff had been paid through bank transfer, but in respect of others, the same was paid in cash.
- (iv). T.D.S. during the financial year 2009-10 had been deducted in respect of only three staff members, but the school failed to produce copies of T.D.S. returns.
- (v). P.F. had not been deducted from the salary of any of the staff members.

7. By notice dated 15.05.2014 the school was asked to appear on 05.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 05.06.2014, Shri D.S. Mathur, Manager and Shri V.B. Aggrawal, C.A. of the school appeared before the Committee. It was fairly conceded by them that though, the school had hiked the fee in 2010-11, in terms of the order of the Director of Education dated 11.02.2009, the

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

recommendations of the 6th Pay Commission had been nominally implemented. It was also stated that the school did not charge development fee.

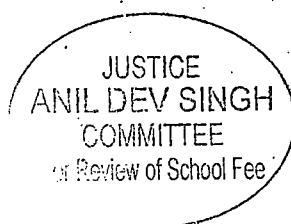
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to III	500	500	Nil	650	150
IV to V	600	600	Nil	800	200
VI to VIII	650	650	Nil	850	200
IX to X	700	800	100	1050	250

10. From the above, it is manifest that the school has increased the fee for classes IX and X only, during the years 2009-10, in excess of the tolerance limit of 10%. During 2010-11, fee had been hiked in terms of the order of the Director of Education dated 11.02.2009.

11. The claim of the school to have implemented the recommendations of the 6th Pay Commission, even nominally, is hard to believe by the committee, as salary to the staff had been paid in cash without deducting T.D.S. and P.F.



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[Signature]
Secretary

12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and Recommendations

Re. Fee Hike

Since, the school has hiked the fee in excess of tolerance limit of 10% for classes IX and X in 2009-10 and in terms of the order of the Director of Education dated 11.02.2009 for all classes in 2010-11, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in excess of 10% for classes IX and X in the year 2009-10 and in the year 2010-11 for all the classes ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

000190

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

000191

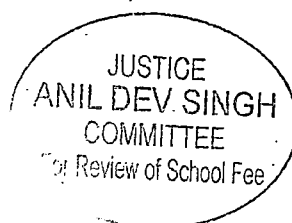
4. With a view to verify the returns, the Office of the Committee vide its notices dated 01.07.2013 required the school to appear on 10.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 10.07.2013, Shri Jai Hinder Singh, Manager of the school appeared before the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. February, 2011 and had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 w.e.f. April 2008. The school did not charge the development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10 by 28.57% to 40% for different classes. During 2010-11, the hike had been by 22.22% to 28.5%.

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W
Secretary

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R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

000192

(ii). The school had partially implemented the recommendations of 6th Pay Commission w.e.f. February, 2011 as DA had not been paid as per prescribed norms.

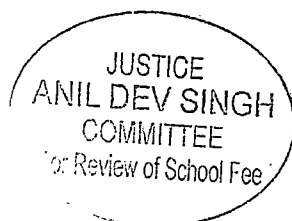
(iii). The salary to the staff had been paid in cash without deducting T.D.S. and P.F.

7. By notice dated 15.05.2014 the school was asked to appear on 04.06.2014 along with the entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 04.06.2014, Shri Jai Hinder Singh, Manager, Shri Jitender Pal and Ms. Bhavna Kharwal, representative of C.A. of the school appeared before the Committee. It was conceded by them that the school hiked the tuition fee by Rs.100/- in 2009-10 and again by Rs.100/- in 2010-11. They however, stated that the fee hike became necessary as the school was operating on a very low fee base. It was contended that the recommendations of the 6th Pay Commission were implemented w.e.f. February, 2011, but only to a limited extent as only basic and grade pay were paid as per the recommendations. The salary to the staff had been paid in cash as the bank account of the school, as stated by the school.

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NV
Secretary

R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

000193

representatives was opened only about six months ago. It was also stated that the school did not deduct TDS as there was no liability for TDS even after the partial implementation of the recommendations of the 6th Pay Commission.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	250	350	100	450	100
VI to VIII	350	450	100	550	100

10. From the above, it is manifest that the school had increased the fee during the year 2009-10, in terms of the order of the Director of Education dated 11.02.2009. Even during 2010-11, there was hike in fee by more than 10%. The school is working on low fee base.



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Secretary

R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

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11. The school has claimed to have implemented the recommendations of the 6th Pay Commission, but limited to the payment of basic and grade pay and without deducting TDS. Salary to the staff had also been paid in cash. In view of these facts, the claim of the school to have implemented the recommendations of the 6th Pay Commission cannot be accepted by the Committee.

12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and RecommendationsRe. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

Secretary

R.K. Memorial Public School, Karan Vihar Phase-V, Delhi - 41

000195

Further, the school has hiked the fee in 2010-11 by more than the tolerance limit of 10%, but it is working on a very low fee base. Therefore, the Committee does not recommend ripple effect relatable to the fee hike in 2009-10.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

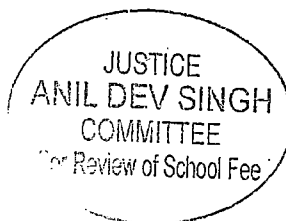
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014

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Secretary

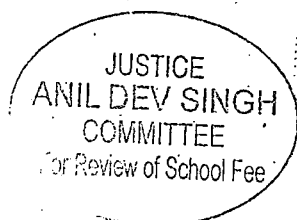
M.R. Vivekananda Public School, Krishna Park, 000196

Vikaspuri, New Delhi - 18

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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Secretary

M.R. Vivekananda Public School, Krishna Park, 000197

Vikaspuri, New Delhi - 18

4. With a view to verify the returns, the Office of the Committee vide its notice dated 01.07.2013 required the school to appear on 12.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 12.07.2013, the Manager of the school, vide its letter of even date requested for some more time to produce the record of the school. At its request the school was directed to produce the record on 31.07.2013.

5. On 31.07.2013, Sh. Kaushal Luthra, Manager and Shri Satish Shukla, Accountant of the school attended the office of the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

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W
Secretary

M.R. Vivekananda Public School, Krishna Park, 000198

Vikaspuri, New Delhi - 18

- (i). The school had increased tuition fee in 2009-10, by Rs.200/- per month for all classes, in terms of the order of the Director of Education, dated 11.02.2009. During 2010-11 the hike had been within the range of 10%.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.
- (iii). The school has charged development fee from the students.

7. By notice dated 19.06.2014 the school was asked to appear on 14.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 14.07.2014, Sh. Kaushal Luthra, Manager and Shri Satish Shukla, Accountant of the school appeared before the Committee. It was conceded by them that the school hiked the fee in 2009-10 by Rs.200/- per month for all classes, in terms of the order of the Director of Education, dated 11.02.2009. During 2010-11 the hike was within the range of 10% and the recommendations of the 6th Pay Commission were not implemented. It was contended that the hike in fee was partially used to discharge the property tax liabilities of about Rs.3.50 Lakhs. It



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W
Secretary

M.R. Vivekananda Public School, Krishna Park, 000199

Vikaspuri, New Delhi - 18

was also stated that the school charged development fee at the time of admission.

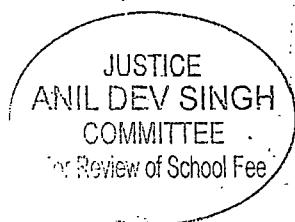
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	650	850	200	930	80
VI to VIII	700	900	200	980	80
IX	770	970	200	1050	80
X	970	1170	200	1400	230

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike for classes I to IX was within the range of 10%, but for class X, it was in excess of 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission.

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Secretary

M.R. Vivekananda Public School, Krishna Park, 000200

Vikaspuri, New Delhi - 18

Discussion and Recommendations

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10, and has not implemented the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years. This being so there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re. Development Fee.

The school has charged development fee from the students in the following manner:-

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Secretary

Vikaspuri, New Delhi - 18

Class	Development Fee charged during the years 2009-10 and 2010-11 (Per Annum / Per student)
I to V	2400
VI to VIII	2800
IX	3000

The development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

Thus, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. Therefore, the Development Fee so charged by the school during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 not being in accordance with law ought to be refunded along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:- 30.07.2014

Sd/-

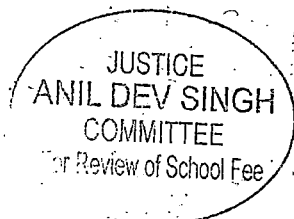
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

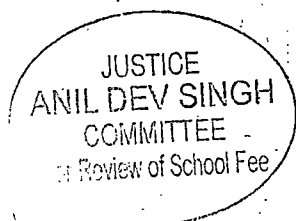
Dr. R.K. Sharma
Member

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W
Secretary



1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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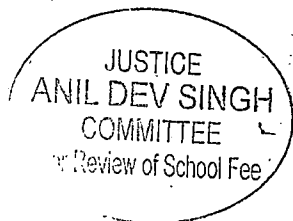
Secretary

Mata Shiv Devi Public School, Keshavpuram, -Delhi -110035 000203

4. With a view to verify the returns, the Office of the Committee vide its notice dated 17.07.2013, required the school to appear on 18.09.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 18.09.2013, Mrs, Sushma Bhardwaj, Vice Principal and Sh. Ramesh Kumar, H.C. of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01.07.2009 and had hiked the fee w.e.f. 01.04.2009, in terms of the order of the Director of Education dated 11.02.2009. The school has also charged development fee.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school has claimed to have implemented the recommendations of the 6th Pay Commission.
 - (ii) On examination of salary record, it was noticed that Basic Pay, Grade Pay, HRA, DA and TA had not been paid as per the prescribed norms.
 - (iii). The school has charged development fee from the students.

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Page 2 of 6



M
Secretary

- (iii). The school hiked the fee in 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11 hike in fee had been by 10%.
7. By notice dated 26.06.2014, the school was asked to appear on 23.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 23.07.2014, Sh. Ramesh Kumar, H.C. of the school appeared before the Committee and provided the records. It was conceded by the school representative that the school did not implement the recommendations of the 6th Pay Commission but fee was hiked in terms of the order of the Director of Education dated 11.02.2009. He further conceded that the school has charged development fee but no separate depreciation reserve fund had been created.
9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:-

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W
Secretary

Mata Shiv Devi Public School, Keshavpuram,-Delhi -110035 000205

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
VI	700	900	200	980	80
VII	750	950	200	1040	90
IX and X	900	1100	200	1200	100
XI and XII	1450	1750	300	1920	170

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee by 10%.

11. The school has admittedly not implemented the recommendations of the 6th Pay Commission.

12. The school has charged development fee from the students.

RECOMMENDATION**Re. Fee Hike**

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of

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N
Secretary

Mata Shiv Devi Public School, Keshavpuram,-Delhi -110035

the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

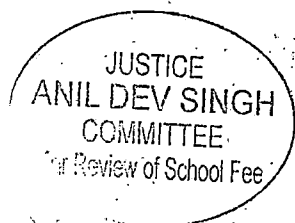
Re.: Development Fee

The school has charged development fee from the students at the rate of Rs.1150 /- to Rs.2000/- in 2009-10 and by Rs.1250/- to 2100/- for different classes without maintaining depreciation reserve fund.

In the circumstances, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. for collecting Development Fee. Therefore, the Development

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N
Secretary

Fee charged by the school to the tune of Rs.34,01,749.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. This being so, the school ought to refund the aforesaid development fee along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

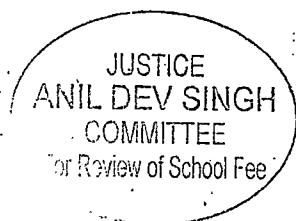
Dated:-01.08.2014

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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4. With a view to verify the returns, the Office of the Committee vide its notice dated 17.07.2013, required the school to appear on 12.08.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 12.08.2013, Sh. S.S.Deswal, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01.07.2009 and had hiked the fee w.e.f. 01.04.2009, in terms of the order of the Director of Education dated 11.02.2009. The school did not charge development fee.

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -

- (i). the school has partially implemented the recommendations of the 6th Pay Commission.
- (ii). HRA and DA has not been paid as per the prescribed rates.
- (iii). The school hiked tuition fee in 2009-10 by Rs.200/- p.m., for all classes, in terms of the order of the Director of Education dated

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11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

7. By notice dated 26.06.2014, the school was asked to appear on 23.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 23.07.2014. Sh. Bijender Dabas, Manager and Sh. Vasudev Sharma, P/T Accountant of the school appeared before the Committee and provided the records. They filed written submissions dated 23.07.2014, admitting that the tuition fee was hiked by Rs.200/- for all Classes in 2009-10 and the recommendations of the 6th Pay Commission have been implemented partially by taking aid from the society due to compulsion of the Education Deptt. They have further contended that the school has not charged development fee from the students.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

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Secretary

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	530	730	200	800	70
VI to VIII	580	780	200	850	70

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission fully.

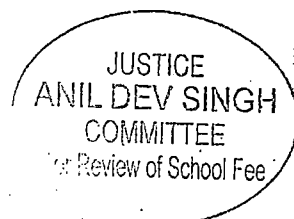
12. As per the record, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the

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SV
Secretary

Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

Sd/-

Sd/-

J.S. Kochar
Member

Justice Anil Dev Singh (Retd.)
Chairperson

Dr. R.K. Sharma
Member

Dated:-01.08.2014.

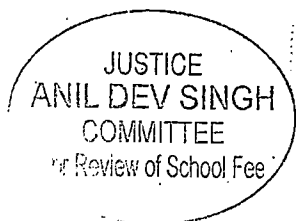
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N
Secretary

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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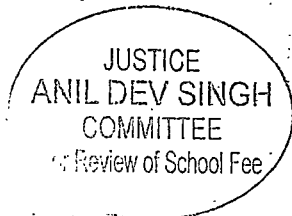
Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 06.09.2013, required the school to appear on 03.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, Ms. Saraswati Devi, Manager and Sh. Shakti Rana, Teacher of the school attended the office of the Committee. They did not bring complete record and requested for some more time to produce the record. The school was directed to produce the record on 28.10.2013. No one attended the office of the Committee on the scheduled date. The school was provided further opportunities to produce its record on 21.11.2013 and 02.12.2013.

5. On 02.12.2013, Ms. Saraswati Devi, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01.11.2009 and had hiked the fee w.e.f. 01.04.2009, in terms of the order of the Director of Education dated 11.02.2009. The school did not charge development fee.

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Secretary

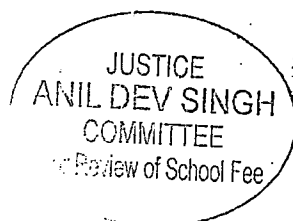


I.P. Public School, Saroop Nagar, New-Delhi - 42

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -
- (i). the school has claimed to have implemented the recommendations of the 6th Pay Commission partially.
 - (ii). HRA, DA and T.A. has not been paid as per the prescribed rates.
 - (iii). Salary to the staff had not been paid for the period, they remained on leave.
 - (iv). T.D.S. and Provident Fund had never been deducted from the salary of the staff.
 - (v). The school hiked tuition fee in 2009-10 by Rs.100/- p.m., in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.
7. By notice dated 26.06.2014, the school was asked to appear on 25.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 25.07.2014. Ms. Saraswati Devi, Manager and Sh. Shakti Rana, Teacher of the school appeared before the Committee and provided the records. It has been contended by the school representatives that:-

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W
Secretary

- (i) The school has implemented the recommendations of the 6th Pay Commission, nominally.
- (ii). Salary to the staff has been paid in cash.
- (iii). No salary was paid to the staff for the leave period, therefore the effective pay out of the salary was reduced.
- (iv) The school did not have TAN and was not registered with the PF authorities and,
- (v) The school hiked tuition fee in 2009-10 by Rs.100/- p.m. up to the maximum permissible limit fixed in the order of the Director of Education dated 11.02.2009.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	320	420	100	460	40
II	324	424	100	470	46
III & IV	368	468	100	515	47
V	396	496	100	590	54
VI-VIII	440	540	100	590	50

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W
Secretary

I.P. Public School, Saroop Nagar, New-Delhi - 42

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10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission fully.

12. As per the available record, the school has not charged development fee from the students.

RECOMMENDATION

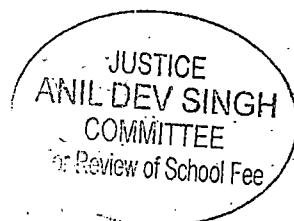
Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent

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W
Secretary

years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

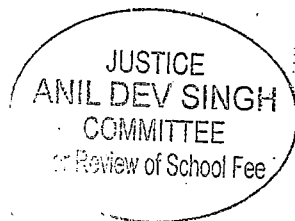
Sd/-

Dr. R.K. Sharma
Member

Dated:-01.08.2014

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Secretary



1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.06.2013, required the school to appear on 01.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 01.07.2013, Sh. Hari Singh Rawat, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission, nor hiked the fee, in terms of the order of the Director of Education dated 11.02.2009. The school also did not charge development fee.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). Consolidated salary, in cash has been paid to the staff and the school has not implemented the recommendations of the 6th Pay Commission partially.
- (ii). T.D.S. and Provident Fund had never been deducted from the salary of the staff.



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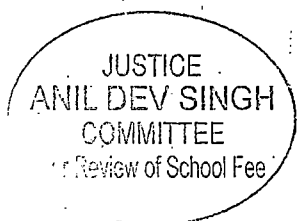
(v) The school hiked tuition fee in 2009-10 by Rs.30/- to Rs.100/- p.m. of different classes. During 2010-11, there was hike in fee within the range of 10%.

7. By notice dated 26.06.2014, the school was asked to appear on 25.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 25.07.2014. Sh.Hari Singh Rawat, Manager and Sh. Sanjeev Baweja, Accountant of the school appeared before the Committee and provided the records. They contended that the school has not implemented the recommendations of the 6th Pay Commission. It was further contended that the school did not charge development fee from the students. On being confronted by the Committee, they conceded that except class I, fee for all classes was hiked by Rs.100/- p.m. in 2009-10.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

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Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	470	500	30	550	50
II	500	600	100	650	50
III	510	610	100	660	50
IV	520	620	100	670	50
V	530	630	100	680	50
VI	560	660	100	710	50
VII	600	700	100	750	50
VIII	620	720	100	770	50

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes, except class I, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission fully.

12. As per the available record, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, for all classes, except class I, without implementing the

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JUSTICE
ANIL DEV SINGH
COMMITTEE
Review of School Fee

Secretary

recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 for all classes except class I, in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly

Sd/-

J.S. Kochar
Member

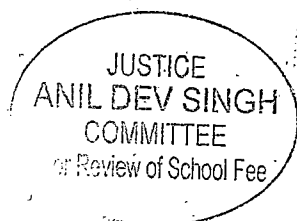
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-01.08.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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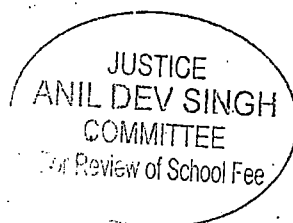

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4. With a view to verify the returns, the Office of the Committee vide its notices dated 06.09.2013, 30.09.2013 and 23.10 2013 required the school to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. Finally, the school produced its record on 13.11.2013.

5. On 13.11.2013, Sh. Anil Kumar, Manager of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, by Rs.200/- per month for all classes. During 2010-11 the hike had been by Rs. 72/- to Rs.100/- for different classes.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.



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7. By notice dated 19.06.2014 the school was asked to appear on 11.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

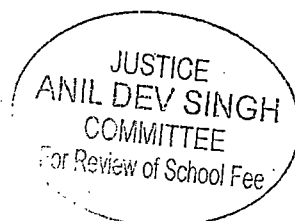
8. On 11.07.2014, Sh. Anil Kumar, Manager of the school appeared before the Committee. It was conceded by him that the school hiked the fee in 2009-10 by Rs.200/- per month for all classes, in terms of the order of the Director of Education, dated 11.02.2009 and the recommendations of the 6th Pay Commission were not implemented

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	525	725	200	797	72
VI to VIII	660	860	200	960	100

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10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was by 10%.

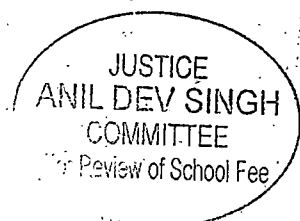
11. The school has admittedly not implemented the recommendations of the 6th Pay Commission.

Discussion and Recommendations

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10, and has not implemented the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is



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relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 25.07.2014



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Secretary

Shiv Vani Model Sr. Sec. School, Mahavir Enclave, Palam Road
New Delhi-110045

The Committee, in its early days, sought various information and clarifications from the school based on the examination of its financials, vide its letter dated 24/02/2012. The school, vide its letter dated 09/03/2012, made various submissions, besides providing some of the information sought by the Committee. In the mean time, the Committee decided to standardize the information to be sought from all the schools and in order to elicit the required information, the Committee devised a questionnaire which was sent to all the schools by email on 27/02/2012. The schools which did not respond to the questionnaire were sent a reminder on 27/03/2012. The Committee did not receive any response from the school to the aforesaid questionnaire and accordingly another letter dated 31/01/2013 was sent to the school to furnish reply to the questionnaire. In response to this letter, the school, vide letter dated 11/02/2013 submitted its reply wherein the school stated that:

- (a) It had implemented the VI Pay Commission report w.e.f. 01/04/2009 and in support of this contention, it enclosed details of salary paid to the staff for the months of March 2009 which aggregated to Rs. 11,55,972 and April 2009 which aggregated to Rs. 14,41,795.



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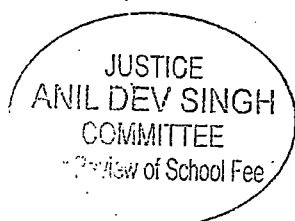
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Secretary

Shiv Vani Model Sr. Sec. School, Mahavir Enclave, Palam Road
New Delhi-110045

- (b) It also claimed to have paid arrears on account of VI Pay Commission report to the tune of Rs. 31,62,066 and submitted details thereof.
- (c) It admitted to have increased the fee w.e.f. 01/04/2009 in terms of order dated 11/02/2009 issued by the Director of Education to the maximum extent permitted. {From the details submitted, it was apparent that the hike in fee was Rs. 200 per month for classes pre primary to III, Rs. 300 per month for classes IV to XI (Art & Commerce) and Rs. 400 per month for classes XI (Science) and all streams of XII }.
- (d) It admitted to have recovered arrears of fee as envisaged in the aforesaid order dated 11/02/2009.

Based on the information furnished by the school, it was placed in Category 'B'.

The school was issued a notice dated 02/09/2013 for providing it an opportunity of hearing by the Committee on 13/09/2013. Along with the notice, a questionnaire eliciting specific response of the school on the queries relating to collection and utilisation of development fee, its treatment in the accounts and maintenance of development fund and depreciation reserve fund, was issued. On the scheduled date, no one appeared on behalf of the school. However,



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the Committee had received a letter dated 12/09/2013 from the school requesting for an adjournment on account of illness of its AO. A fresh notice of hearing dated 27/11/2013 was issued for hearing on 16/12/2013. On this date, Sh. P.L. Malik, Accounts Officer of the school appeared with Sh. Babu Lal, Assistant Accountant. He filed reply to the questionnaire regarding development fee, contending that the school was not charging development fee. During the course of hearing, the representatives of the school were not able to fully respond to the queries of the Committee, particularly with regard to the mode of payment of arrears of salary. The school was advised to file details giving the mode of payment of arrears along with copies of bank statements, if the same were paid by cheques. The matter was directed to come up on 30/01/2014. On this date, the school filed the relevant details of payment of arrears, as required by the Committee. On perusal of the details filed by the school, it is apparent that out of the total arrear payment of Rs. 61,84,920, almost 50% i.e. Rs. 30,22,854 was paid by the school on 07/09/2013 i.e. after the issue of the aforesaid notice of hearing by the Committee on 02/09/2013. Prior to that the school had paid a total sum of Rs. 8,10,765 on 20/07/2009, Rs. 15,57,576 on 10/03/2010 and Rs. 7,93,725 on 25/03/2010. Further, the details furnished by the school throw up

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some very interesting cases. The school claims to have paid arrears which are very substantial amounts, to some post graduate and trained graduate teachers also by bearer cheques, in almost all the four installments. The following table would give detail of such cases, where the payments were made by bearer cheques. It would be noticed that only in the fourth instalment, which was paid on 07/09/2013, the school paid the arrears by account payee cheques:

S.No.	Employee's Name	Designation	Ist Installment	IInd installment	IIIRD Installment	IV installment
			20/07/2009	10/03/2010	25/03/2010	07/09/2013
1.	Ms. Vineeta Bhardwaj	PGT	16,975	Not paid		
2.	Ms. Charu Sharma	PGT	16,543	33,086	16,543	Paid by A/c payee cheque
3.	Ms. Anu Bala	TGT	16,135	32,270	16,135	Paid by A/c payee cheque
4.	Ms. Sarita Bora	TGT	14,623	29,246	14,623	71,692
5.	Ms. Lipi Nanda	TGT	16,514	33,028	16,514	Paid by A/c payee cheque
6.	Ms. L. Jayasree	TGT	14,937	Paid by A/c payee cheque		Not paid
7.	Ms. Gurjeet Kaur	Sr. Librarian	14,623	29,246	14,623	Paid by A/c payee cheque
8.	Ms. Sarina Kathuria	TGT	13,111	26,222	13,111	Paid by A/c payee cheque
9.	Ms. Sangeeta Bhardwaj	TGT	13,111	26,222	13,111	Paid by A/c payee cheque
10.	Ms. Chanchal Saini	TGT	13,111	26,222	13,111	Paid by A/c payee cheque
11.	Ms. Balwinder Kaur	TGT	13,111	26,222	13,111	Paid by A/c payee cheque
12.	Ms. Sindhu Sudheer	TGT	13,111	26,222	13,111	68,226
13.,	Ms. Surinder Lochab	TGT	13,867	27,734	13,867	Not paid
14.	Ms. Seema Chakravorty	TGT	13,867	27,734	13,867	Paid by A/c payee cheque
15.	Ms. Prabhasini Pati	TGT	17,720	34,540	17,270	Paid by A/c payee cheque
16.	Ms. Kusum Lata	TGT	15,002	Not paid		
17.	Mr. Rakesh Sharma	TGT	12,734	25,468	12,734	Paid by A/c payee cheque
18.	Ms. Madhu Bala	Asstt. Teacher	13,706	27,412	13,706	Paid by A/c payee cheque
19.	Ms. Sheela Borrison	Asstt. Teacher	13,975	27,950	13,975	Paid by A/c payee cheque
20.	Ms. Davinder	Asstt.	13,706	27,412	13,706	Paid by A/c

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	Bassan	Teacher				payee cheque
21.	Ms. Kiran Soni	Asstt. Teacher	13,706	27,412	13,706	Paid by A/c payee cheque
22.	Ms. Neena Bhatia	Asstt. Teacher	13,435	26,870	13,435	Paid by A/c payee cheque
23.	Ms. Rekha Grover	Asstt. Teacher	12,626	25,252	12,626	Paid by A/c payee cheque
24.	Ms. Disha Ahuja	Asstt. Teacher	10,735	21,470	10,735	Not paid
25.	Ms. Sraboni Banerjee	Asstt. Teacher	10,735	21,470	10,735	Paid by A/c payee cheque
26.	Mr. Babu Lal	Asstt. Accountant	11,275	22,550	11,275	Paid by A/c payee cheque
27.	Ms. Chandna Dey	Nurse	12,626	25,252	12,626	Paid by A/c payee cheque
28.	Mr. Mahesh Dutt	Peon	8,086	16,172	80,086	30,808
29.	Ms. Sunita Devi	Aya	7,978	15,956	7,978	29,972
30.	Mr. Ramu Keshi	Chowkidar	6,569	13,138	6,569	27,220
	Total amount paid by bearer cheques		3,97,803	7,01,778	3,50,889	2,27,918
	Amount paid by A/c payee cheques		4,12,962	8,55,798	4,42,836	27,94,936
	Total amount of arrears paid		8,10,765	15,57,576	7,93,725	30,22,854
	%age of amount paid by bearer cheques to total amount of arrears		49.06%	45.05%	44.21%	7.54%

The above table says it all. It is apparent that when there was no fear of scrutiny, the school collected the arrear fee from the students in full but it did not pay the arrear salary to the staff. For records, it purportedly paid about 50% of the total amount of arrears due. Of this 50% also, almost 50% was shown as having been paid by bearer cheques. It is unfathomable as to how highly qualified teachers like post graduate teachers or trained graduate teachers would accept payment of large sums of money by bearer cheques. It is any body's guess as to how much, if at all any amount was paid to

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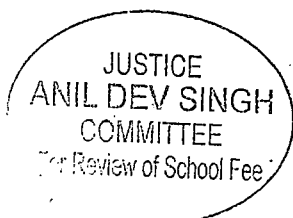
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the staff which was withdrawn by means of bearer cheques. The school followed this practice unabashedly when the first three installments of arrears were paid on 20/07/2009, 10/03/2010 and 25/03/2010, when the school did not fear any scrutiny. Even as late as till 07/09/2013, the school had not paid the arrears. It was only when it received a notice of hearing from the Committee that the school became alive to its obligation to pay the arrears. In the circumstances, the Committee is of the view that only the arrears paid by the school by means of A/c payee cheques are genuine payments. The amounts withdrawn by way of bearer cheques have apparently gone into the coffers of the school management. Accordingly, the Committee will consider only a sum of Rs. 45,06,532 as arrear payment by the school in the final determination.

The representatives of the school also contended during the course of hearing that as on 31/03/2010, the school had accrued liability for gratuity amounting to Rs. 77,94,933 which was duly provided in the balance sheet. The school further contended that besides gratuity, there was an accrued liability of Rs. 19,15,108 towards leave encashment. However, this liability was not provided in the books. It was contended that while examining the availability of



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funds with the school, these liabilities ought to be considered as the school was required to keep funds in reserve for meeting them.

The Committee is of the view that although the school held on to the funds raised by it by way of recovery of arrear fee for about four years, it ultimately did pay part of the arrear salary due. The Committee has serious reservations about the figure of Rs. 61,84,920 put forth by the school. As noted above, the school paid arrears of salary amounting to Rs. 45,06,532 by A/c payee cheques and Rs. 16,78,388 purportedly by bearer cheques. For the purpose of our calculation, it would be safe to take the figure of Rs. 45,06,532, which was paid by A/c payee cheques. The Committee is also of the view that the school ought to retain adequate funds for meeting its accrued liabilities of gratuity and leave encashment. The employee wise detail of accrued liabilities of gratuity and leave encashment as furnished by the school, have been verified and appear to be in order. On the basis of the audited balance sheet of the school, the Committee has determined that the school had a sum of Rs. 62,67,836 as funds available with it as on 31/03/2008. The detailed working of the funds available with the school is as follows:

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Statement showing Fund available as on 31-03-2008			
S.No.	Particulars	Amount (Rs.)	Amount (Rs.)
	<u>Current Assets</u>		
	Cash in hand	22,978	
	Bank Balance (savings)	208,016	
	Bank Balance (Current)	(258,292)	
	Other Current Assets	1,808,522	
	Fixed Deposits	8,566,505	
	TDS Recoverable	74,129	10,421,858
Less:	<u>Current Liabilities</u>		
	Students Security	1,376,350	
	Sundry Creditors	1,030,539	
	Expenses payable	1,665,974	
	TDS payable	31,350	
	Advance Fees	49,809	4,154,022
	Net Current Assets (Funds available)		6,267,836

The school had a higher liability for gratuity and leave encashment than the funds available with it. The Committee is therefore of the view that whatever funds the school possessed as on 31/03/2008, were not available for the purpose of implementation of VI Pay Commission report. Hence, in order to meet its financial obligations for implementing the VI Pay Commission report, the school was required to hike the fee. Whether the hike was justified or excessive is the only question to be determined as the school has not

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made any claim that it be allowed to hike any fee over and above the hike effected by it.

It would first be in order to set out the quantum of fee hike effected by the school in pursuance of order dated 11/02/2009 issued by the Director of Education. The following table shows the extent of fee hike effected by the school w.e.f. 01/09/2008:

Class	Pre increase fee(Rs.)	Post increase fee (Rs.)	Fee hike(Rs.)
PP	860	1060	200
I	945	1145	200
II	945	1145	200
III	945	1145	200
IV	1103	1303	200
V	1003	1303	200
VI	1165	1465	300
VII	1165	1465	300
VIII	1165	1465	300
IX	1240	1540	300
X	1240	1540	300
XI (Arts & Commerce)	1360	1660	300
XI (Science)	1504	1904	400
XI(Computer Sc./Web.Tech/Bio Tech/Commerce(Informatics Practice)	1722	2122	400
XII(Arts & Commerce)	1360	1660	300
XII (Science)	1504	1904	400
XII(Computer Sc./Web.Tech/Bio Tech/Commerce(Informatics Practice)	1722	2122	400

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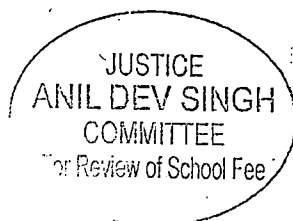
Calculated on the basis of number of students and the hike in fee for the respective classes, the Committee has determined that the school recovered the following amounts in respect of the arrear fee and the incremental fee:

Particulars	Amount(Rs.)
Arrear fee for the period 01/01/2006 to 31/08/2008	62,58,000
Arrear fee for the period 01/09/2008 to 31/03/2009	42,50,400
Incremental fee for the period 01/04/2009 to 31/03/2010	73,63,200
Total	1,78,71,600

As against the above, the additional liability that befell on the school on account of implementation of VI Pay Commission report was Rs. 79,36,408 as follows:

Particulars	Amount(Rs.)
Arrears of salary paid by the school	45,06,532
Incremental salary from 01/04/2009 to 31/03/2010	3,429,876
Total	79,36,408

Therefore, at first glance, it appeared that the school collected more fee than was required to implement the recommendations of the VI Pay Commission report. Accordingly, the school was confronted with the preliminary calculation sheet and asked to give its comments

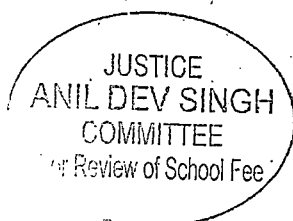


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vide notice dated 29/04/2014. In response, Sh. P.L. Malik and Sh. Babu Lal, the representatives of the school appeared and filed written submissions dated 09/05/2014. They contended as follows:

- (1) While calculating the excess fee, the Committee had not considered the accrued liabilities of gratuity and leave encashment as on 31/03/2008 which amounted to Rs. 40,25,020 and Rs. 16,43,136 respectively. It was further contended that the school was not allowed any allowance for reserve for future contingencies. The same would have amounted to Rs. 36,58,452 which was equivalent to four months' salary.
- (2) The differential salary between 2008-09 and 2009-10 was Rs. 87,23,338 as against Rs. 34,29,876 taken in the preliminary calculations. The Committee had apparently taken the differential salary of March 2009 and April 2009 and extrapolated that for the whole year, which would not yield accurate result. The accounts of the school were properly audited and these figures should have been taken from the Income & Expenditure Accounts of the two years. The aggregate of salary and PF contribution amounted to Rs. 1,34,10,347 in 2008-09 while the same amounted to Rs.



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2,21,33,685 in 2009-10. Hence the differential salary for 2009-10 was Rs. 87,23,338.

(3) The total arrears payable to the staff were Rs. 1,12,52,499 out of which a sum of Rs. 61,24,568 had been paid. However, the figure taken in the preliminary calculations was Rs. 45,06,532.

(4) The correct figure of the arrear fee was Rs. 79,33,778 instead of Rs. 1,05,08,400 taken by the Committee. This was on account of the fact that students who were admitted in 2006-07, 2007-08 and 2008-09 were not required to pay the full amount of arrear while the Committee in its preliminary calculations had presumed that all the students have paid the full amount of arrears. Further, out of the total amount due, a sum of Rs. 69,13,455 only had been collected.

(5) The incremental tuition fee in 2009-10 was Rs. 73,22,719 as against Rs. 73,63,200 taken in the preliminary calculations.

Discussion:

The Committee has considered the annual returns of the school, the information furnished by the school in response to the notices issued by the Committee, the preliminary calculation sheet prepared by the audit officer of the Committee and the submissions made



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before it by the representatives of the school. The various contentions raised by the school are discussed as follows:

(a) Re.: Non consideration of accrued liabilities of gratuity and leave encashment and reserve for future contingencies:

It is not correct that the Committee did not consider the accrued liabilities of gratuity and leave encashment and reserve for future contingencies. As notice supra, the liabilities for gratuity and leave encashment as on 31/03/2008 amounted to Rs. 40,25,020 and Rs. 16,43,136 respectively. The reserve for future contingencies as claimed by the school was Rs. 36,58,452. Thus in total, the school was required to keep a sum of Rs. 93,26,608 in reserve for these purposes. The school had funds only to the tune of Rs. 62,67,836. The school cannot keep more funds in reserve than it has. That is why the Committee has considered that the school did not have any funds of its own for the purpose of implementation of VI Pay Commission report. Any reserve in excess of Rs. 62,67,836 would have meant that the funds available with the school were in negative zone,

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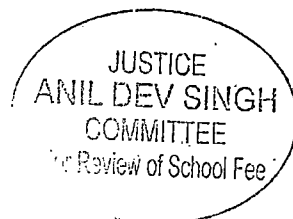
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which is absurd. The school cannot keep in reserve funds which it does not possess. However, the Committee will give due consideration to the non availability of funds with the school even for the purpose of meeting its liabilities of gratuity and leave encashment and for future contingencies, if the need for such consideration arises after the final calculations.

(b) **Re.: Incremental salary in 2009-10**

The school has contended that the actual figures of incremental salary in 2008-09 and 2009-10 ought to be taken from the audited Income & Expenditure accounts of the school, instead of the monthly difference in salary being extrapolated for 12 months. In principle, the Committee accepts the contention of the school. However, the Committee finds that the school of its admission paid first three instalments of arrears in 2009-10 and the total amount paid on this account was Rs. 31,62,066. There is no separate expenditure reflected as arrear salary corresponding to this amount in the Income & Expenditure account of the school. Presumably, this amount is included in the figure of salary as reflected in the Income & Expenditure account of



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2009-10. The school has not deducted this figure while computing the differential salary. This amounts to double calculation as the amount of arrear salary is separately considered. Hence, the Committee is of the view the differential salary for 2009-10 as per the Income & Expenditure accounts of the school was **Rs.55,61,272** (87,23,338 - 31,62,066).

(c) **Re.: Arrear salary**

The Committee has already given its reasons, supra, for taking the figure of **Rs. 45,06,532** as arrear payment of salary instead of Rs. 61,24,568 as claimed by the school. The Committee does not accept that huge amount of arrears were paid by means of bearer cheques to some teachers while to others they were paid through proper banking channels. Further the Committee does not buy the argument of the school that it still has liability of around Rs. 51.00 lacs towards arrears particularly in view of the fact that out of a total arrear payment of Rs. 61.24 lacs, as claimed by the school, a large chunk of Rs. 30.23 lacs was paid only on 07/09/2013 and that too after it received notice from the Committee. However, the school recovered the arrear fee

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from the students in 2008-09 and 2009-10 itself. Had it not been subjected to scrutiny by the Committee, the school would not have paid the arrears on its own.

(d) **Re.: Arrear fee**

The Committee accepts the contention of the school that the correct figure of arrear fee was **Rs. 79,33,778** instead of Rs. 1,05,08,400 taken in the preliminary calculations. The Committee on perusal of the preliminary calculation sheet finds that it had taken the arrear fee uniformly for all the students irrespective of the years in which they were admitted to the school. This was on account of the fact that the relevant information was not available with the Committee.


(e) **Re.: Incremental Fee**

The Committee accepts the contention of the school that the incremental tuition fee in 2009-10 was **Rs. 73,22,719** instead of Rs. 73,63,200 taken in the preliminary calculations, being a minor difference.

Determination:



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In view of the foregoing discussion, the following determinations are made by the Committee:

Particulars		Amount (Rs.)
Funds available as on 31/03/2008		0
Arrear fee recovered by the school	79,33,778	
Incremental fee in 2009-10	73,22,719	1,52,56,497
Arrear salary paid by the school	45,06,532	
Incremental salary in 2009-10	55,61,272	1,00,67,804
Excess funds recovered by way of fee hike		51,88,693

As would be apparent from the above determination, the school recovered a sum of Rs. 51,88,693 in excess of its requirements for implementation of the VI Pay Commission report, to the extent it did. Here it would be in order to consider that as against the requirement of Rs. 93,26,608 for reserves for gratuity, leave encashment and future contingencies as on 31/03/2008, the school had funds to the tune of Rs. 62,67,836 only. There was further increase in liabilities for gratuity and leave encashment as on 31/03/2010. The liability for gratuity rose from Rs. 40,25,020 as on 31/03/2008 to Rs. 77,94,933 as on 31/03/2010. Similarly the liability for leave encashment rose from Rs. 16,41,136 to Rs. 19,15,108. Cumulatively the liabilities on this account rose by Rs. 40,41,885. As the fee hike as per order dated 11/02/2009 covered the period upto to 31/03/2010, the increased liabilities as on that date also need to be factored in. After doing so, the Committee finds that the school did not have a real surplus after

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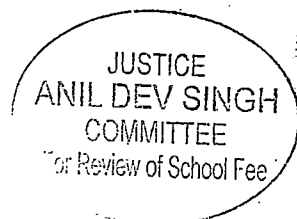
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hiking the fee in terms of order dated 11/02/2009 issued by the Director of Education.

However, the Committee does not view with favour, the action of the school in recovering the arrear fee in 2008-09 and 2009-10 and holding on to the same till 2013-14 when it paid bulk of the arrears to the staff. In the circumstances, the Committee is of the view that the students deserve to be compensated for being made to part with the arrear fee in 2008-09 and 2009-10 when the school had no intention to pay the arrear salary immediately. In view of this fact situation, the Committee considers it appropriate to recommend payment of interest @ 9% per annum to the students on the amount of arrear fee recovered (which the Committee has determined to be Rs. 62,58,000 for the period 01/01/2006 to 31/08/2008 and Rs. 42,50,400 for the period 01/09/2008 to 31/03/2009), from the date of collection of arrear fee to the date of payment of arrear salary.

Recommendation:

In this view of the matter, the Committee recommends that the school ought to pay interest to the students on the amount of arrear fee collected from the date of its collection to the date of payment of arrear salary to the staff, @ 9% per annum.



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Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K.Sharma
Member

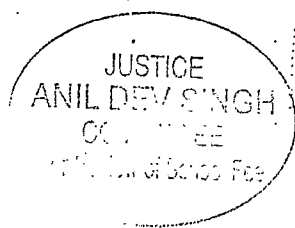
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1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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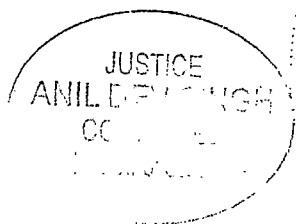
Saint Raman School, Mayur Vihar Phase III, Delhi - 96000249

4. With a view to verify the returns, the Office of the Committee vide its notice dated 17.10.2013 required the school to appear on 30.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 30.10.2013, Sh. Jitender Singh, representative of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri N.S.Batra, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, in terms of the order of the Director of Education, dated 11.02.2009. During 2010-11 the hike had been between 9.4 % to 11.10 %.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.



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7. By notice dated 16.07.2014 the school was asked to appear on 01.08.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 01.08.2014, Ms. Raj Rajeswari, Account Asstt. of the school appeared before the Committee. It was conceded by her that the school hiked the fee in 2009-10, in terms of the order of the Director of Education, dated 11.02.2009. During 2010-11 the hike was within the range of 10% and the recommendations of the 6th Pay Commission were not implemented. It was also stated that the school charged development fee at the time of admission and the same has been treated as revenue receipt without maintaining separate development fund.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11;

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	440	540	100	600	60
II	450	550	200	610	60

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COMMISSIONER
of School Fee

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Secretary

III	470	570	100	625	55
IV	485	585	100	640	55
V	525	725	200	800	75
VI	555	755	200	830	75
VII	595	795	200	870	75
VIII	620	820	200	900	80

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike was within the range of 10%.

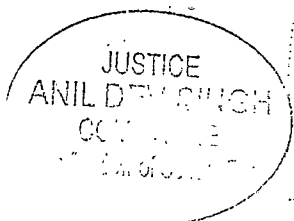
11. The school has not implemented the recommendations of the 6th Pay Commission.

12. As per available record the school has charged development fee.

Discussion and Recommendations

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10, and has not implemented the recommendations of 6th Pay Commission, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in



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[Signature]
Secretary

the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years. This being so there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

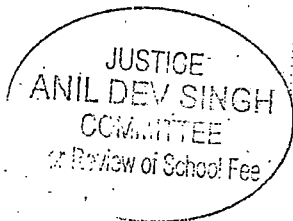
Re. Development Fee.

The school has charged development fee from the students in the following manner:-

Year	Development Fee charged
2009-10	40,125.00
2010-11	2,54,885.00

The development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

In the circumstances, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble



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Saint Raman School, Mayur Vihar Phase III, Delhi - 96000253

Supreme Court in the case of Modern School Vs. Union of India & Ors. for collecting Development Fee. Therefore, the Development Fee charged by the school to the tune of Rs.2,95,010.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. This being so, the school ought to refund the aforesaid development fee along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

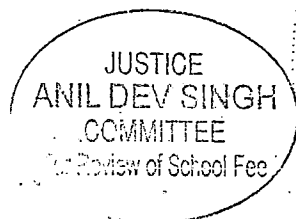
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 01.08.2014



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Florence Public School, Mayur Vihar Phase I, Delhi - 96

000254

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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COMMITTEE
Review of School Fee

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4. With a view to verify the returns, the Office of the Committee vide its notice dated 19.09.2013 required the school to appear on 11.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. No one attended the office of the Committee on the scheduled date. The school vide notice dated 28.10.2013 was provided final opportunity to produce its record on 18.11.2013.

5. On 18.11.2013, Sh. Jitender Singh, representative of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had neither, implemented the recommendations of the 6th Pay Commission nor, hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school has charged development fee which has been treated as revenue receipt.

6. The record, in the first instance, was examined by Mrs. Sunita Nautiyal, Account officer of the Committee. She observed to the effect that: -

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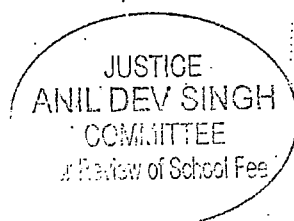
Florence Public School, Mayur Vihar Phase I, Delhi - 96

- (i). The school had increased tuition fee in 2009-10, by Rs.80/- to Rs 200/- p.m. for different classes. During 2010-11 the hike had been within the range of 10%.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.

7. By notice dated 16.07.2014 the school was asked to appear on 01.08.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 01.08.2014, Ms. Raj Rajeswari, Account Asstt. of the school appeared before the Committee. It was conceded by her that though, the school did not hike the fee in 2009-10, in terms of the order of the Director of Education, dated 11.02.2009, yet, the hike was in excess of 10%. During 2010-11 the hike was within the range of 10% and the recommendations of the 6th Pay Commission were not implemented. It was also stated that the school charged development fee and the same has been treated as revenue receipt without maintaining separate development fund.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11;



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Florence Public School, Mayur Vihar Phase I, Delhi - 96

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	495	575	80	625	50
II	550	700	150	750	50
III	600	750	150	800	50
IV	650	800	150	850	50
V	700	850	150	950	100
VI	730	880	150	950	70
VII	750	900	150	980	80
VIII	790	940	150	1020	80
IX	850	1000	150	1100	100
X	950	1150	200	1250	100

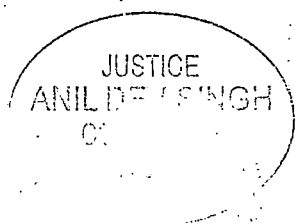
10. From the above, it is manifest that the school has increased the fee during the years 2009-10, though, not in terms of the order of the Director of Education dated 11.02.2009, yet, in excess of the tolerance limit of 10%. During 2010-11, the hike was within the range of 10%.

11. Admittedly, the school has not implemented the recommendations of the 6th Pay Commission.

12. As per available record the school has charged development fee.

Discussion and Recommendations**Re. Fee Hike**

Though, the school has not utilised the order of the Director of Education dated 11.02.2009, for enhancing the tuition fee, in 2009-10, yet, the hike was in excess of the tolerance limit of 10%.

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Secretary

Florence Public School, Mayur Vihar Phase I, Delhi - 96000258

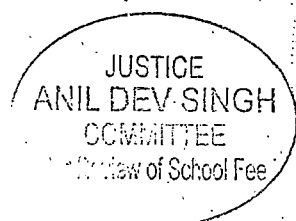
The school has not implemented the recommendations of 6th Pay Commission. Therefore, we are of the view that the increase in fee in excess of the tolerance limit of 10%, was unjustified. In such circumstances, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years. This being so there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re. Development Fee.

The school has charged development fee from the students in the following manner:-

Year	Development Fee charged
2009-10	12,800.00
2010-11	3,35,100.00

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Secretary

The development fee had been treated as revenue receipt and no separate depreciation reserve fund and development fund account had been maintained.

In the circumstances, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. for collecting Development Fee. Therefore, the Development Fee charged by the school to the tune of Rs.3,47,900.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. This being so, the school ought to refund the aforesaid development fee along with interest @ 9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

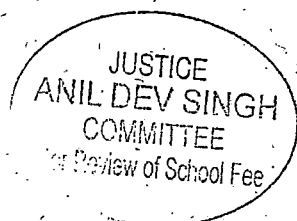
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 01.08.2014

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Secretary

Swami Hariharanand Public School, Yamuna Bazar, Delhi

The school, under cover of its letter dated 30th January 2012 submitted to the Education Officer, Zone-7 of the Directorate of Education, copies of its annual returns from 2006-07 to 2010-11 and fee structures for these years. It mentioned in this letter that the school had not been able to implement the VI Pay Commission report due to non availability of funds. It also mentioned that the school had not increased the fee for implementation of VI Pay Commission report and tuition fee was increased only by 10%. These documents were transmitted to the office of the Committee by the Education Officer. The school also filed reply to the questionnaire dated 27/02/2012 issued by the Committee, vide its letter dated 29/02/2012, reiterating what it had stated in its letter to the Education Officer. On prima facie examination of the documents filed by the school, the contention of the school appeared to be correct and accordingly it was placed in Category 'C'.

In order to verify the contentions of the school, the Committee issued a notice dated 04/07/2012, requiring the school to produce its books of accounts, fee and salary records, in the office of the Committee. The records were produced by the school on 11/07/2012 when Sh. N.K. Mehra, Trustee of the Trust running the school appeared along with Ms. Neha, Consultant of the school

The records produced by the school were verified by Sh. A.D. Bhateja, audit officer of the Committee and he observed as follows:



- (a) The school had increased the development fee from Rs. 200 to Rs. 1200 for classes I to V, Rs. 1800 for VI to VIII. For classes IX & X, the same was increased from Rs. 400 to Rs. 1800 in 2011-12. The school was not maintaining any separate account for development fee.
- (b) The school was charging tuition fee in accordance with the fee structures submitted by it. During the year 2009-10, the fee hiked by the school was less than 10%.
- (c) No adverse features were noticed in the maintenance of books of accounts.

The Committee perused the observations of the audit officer and observed that while the audit officer had noticed the phenomenal hike in development fee in 2011-12, the balance sheet of the school of the year 2011-12 was not on record.

The audit officer was advised to call for the balance sheet for the year 2011-12 and to examine whether the school was fulfilling the pre conditions for charging development fee as laid down by the Duggal Committee, which were subsequently affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583.

A copy of the balance sheet for the year 2011-12 was obtained from the school and on examination of the same, the audit officer observed as follows:



Swami Hariharanand Public School, Yamuna Bazar, Delhi

- (i) The school was treating the development fee as a revenue receipt.
- (ii) No development fund or depreciation reserve fund was being maintained by the school.

In order to provide an opportunity of being heard to the school, the Committee issued a notice dated 11/02/2014, requiring the school to appear before the Committee on 7/03/2014 which was postponed to 13/03/2014. In order to verify the observations of the audit officer regarding development fee, the Committee issued a questionnaire seeking information regarding collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund was also issued to the school. On the scheduled date, a request letter was received from the school seeking adjournment of hearing. Accordingly the matter was directed to be relisted on 21/04/2014. The hearing could not take place on this date and a fresh notice dated 02/05/2014 was issued for hearing on 15/05/2014. On this date, Sh. N.K. Mehra, Secretary appeared with Sh. Mohit Sapra, Advisor. They were partly heard by the Committee and during the course of hearing, it was contended on behalf of the school that no doubt it had not implemented the VI Pay Commission report but at the same time it had not increased the tuition fee in excess of 10% in 2009-10 or in any subsequent year. With regard to development fee, the representatives of the school sought time to file

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COMMITTEE
Review of School Fee

Swami Hariharanand Public School, Yamuna Bazar, Delhi 000263

written submissions. Accordingly the matter was directed to be relisted on 30/05/2014. On this date, the representatives of the school appeared and sought further three weeks time to file the written submissions. The Committee felt that the school was just buying the time and accordingly advised the school to file its written submissions within three weeks. The hearing was concluded.

The school filed its written submissions dated 01/07/2014, vide which it reiterated that although the school had not implemented the VI Pay Commission report it had not hiked the fee in excess of 10%. It enclosed with its reply to the questionnaire issued by the Committee eliciting information regarding development fee. The school stated that it had charged the development fee from 2006-07 to 2011-12 and gave details of its utilisation. As per the information filed by the school, it incurred more expenditure than the receipt on account of development fee in the years 2006-07 to 2010-11, and such shortfall was partially recovered in 2011-12 by charging higher development fee. The development fee charged by the school from 2006-07 to 2011-12 and the manner and extent of its utilisation, as furnished by the school, is as follows:

Year	Amount Collected (Rs.)	Amount utilised for revenue expenditure (Rs.)	Amount utilised for capital expenditure (Rs.)	Surplus/(deficit)
2006-07	77,800	69,423	19,880	(11,503)
2007-08	82,650	2,36,658	26,688	(1,80,696)
2008-09	88,997	2,31,237	1,02,661	(2,44,901)
2009-10	96,600	1,74,388	-	(77,788)
2010-11	72,600	1,59,931	93,269	(1,80,600)
2011-12	6,32,400	1,49,895	33,723	4,48,782

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for Review of School Fee

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Swami Hariharanand Public School, Yamuna Bazar, Delhi

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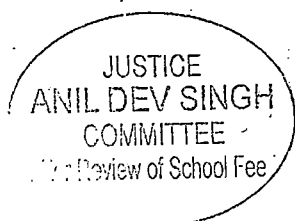
The school further stated that the development fee was treated as a revenue receipt in the accounts and neither any separate development fund account was maintained nor any depreciation reserve fund was maintained.

Discussion & Determination:**Tuition Fee:**

The Committee notes that the audit officer, while confirming the version of the school that the tuition fee hiked by it in 2009-10 was within 10%, has not set out the amount of fee charged by the school in 2008-09 and 2009-10 and how much was the hike effected in 2009-10. It would be in order to set out here below the tuition fee charged by the school in these two years so as to bring out their comparison. As per the fee schedules filed by the school, the tuition fee charged by the school in 2008-09 and 2009-10 was as follows:

Class	Monthly fee in 2008-09 (Rs.)	Monthly fee in 2009-10 (Rs.)	Increase in fee 2009-10 (Rs.)
I to V	435	475	40
VI to VIII	500	545	45
IX & X	675	735	60

The Committee notes that the tuition fee (including computer fee) hiked by the school in 2009-10 was indeed within 10%. The Committee has taken a view that irrespective of whether the schools have implemented the VI Pay Commission report or not, no



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interference is required if the fee hike is within the tolerance limit of 10% which the schools can justifiably increase in order to offset the effect of inflation.

Admission Fee:

The Committee also notes from the fee schedules filed by the school that during 2009-10, 2010-11 and 2011-12, the admission fee charged by the school was Rs. 1500, Rs. 1500 and Rs. 2500 respectively. As per the order dated 11/02/2009 issued by the Director of Education, the schools are prohibited from charging admission fee in excess of Rs. 200. The Committee is therefore of the view that the school ought to refund the admission fee charged from the students in excess of Rs. 200 in the years 2009-10, 2010-11 and 2011-12, along with interest @ 9% per annum from the date of collection to the date of refund.

Development Fee:

The Committee is of the view that the school has offered an ingenious explanation with regard to development fee, in order to justify the steep hike in development fee charged in 2011-12, which even exceeds the maximum limit of 15% of tuition fee as laid down by the Hon'ble Supreme Court in the case of Modern School (supra). The school has shown more utilisation of development fee in the years 2006-07 to 2010-11 than it collected, which is an impossibility.

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ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Swami Hariharanand Public School, Yamuna Bazar, Delhi

Moreover, the school is showing a greater portion of utilisation on revenue expenses which is impermissible. The school is also treating development fee as a revenue receipt and neither maintaining an earmarked development fund nor any depreciation reserve fund. Thus the school was not following any of the pre conditions laid down by the Duggal Committee which were subsequently affirmed by the Hon'ble Supreme Court.

In view of the above discussion, the Committee is of the view that the development fee charged by the school was not in accordance with law and ought to be refunded along with interest @ 9% per annum. However, since the mandate of the Committee is to examine the issue of fee charged by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its recommendations to the development fee unjustly charged in the year 2009-10 and later years only.

Recommendations:

In view of the foregoing discussion and determinations, the Committee makes the following recommendations:

- (i) **The school ought to refund the admission fee charged by it in the years 2009-10, 2010-11 and 2011-12 which was in excess of Rs. 200, along with interest @ 9% per annum from the date of collection to date of refund.**

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ANIL DEV SINGH
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for Review of School Fee

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- (ii) The school ought to refund the development fee of Rs. 96,600 charged in 2009-10, Rs. 72,600 charged in 2010-11 and Rs. 6,32,400 charged in 2011-12, along with interest @ 9% per annum from the date of collection to the date of refund.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Sunshine Public School, Laxmi Nagar, Delhi - 110092

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.

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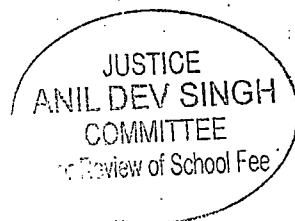
Sunshine Public School, Laxmi Nagar, Delhi - 110092

4. With a view to verify the returns, the Office of the Committee vide its notice dated 21.01.2014, required the school to appear on 20.02.2014 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 20.02.2014, Shri Sheetal Wadhwa, Manager and Mrs Sudhesh, HM of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2009 and had hiked the fee w.e.f. April 2009, in terms of the order of the Director of Education dated 11.02.2009. The school had not charged development fee.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school has hiked the fee in 2009-10 by Rs.100/- to Rs.200/- for different classes per month in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike in fee had been by Rs.20/- for classes II, III and IV only.



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Sunshine Public School, Laxmi Nagar, Delhi - 110092

- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission, but DA was not paid as per prescribed norms.
- (iii) The salary to the staff had been paid through bearer cheques and in cash in spite of the school having a bank account.
- (iv) No TDS and PF had been deducted from the salary of the staff.

7. By notice dated 26.06.2014, the school was asked to appear on 30.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 30.07.2014, Shri Sheetal Kumar, Manager, Sh. Sudesh Badhwa, HM, Sh. D.K. Jain, Consultant and Sh. Anirudh Tiwari, Accountant of the school appeared before the Committee. It was contended by them that :-

- (i) The school hiked the fee in 2009-10 in terms of the order of the Director of Education dated 11.02.2009.
- (II) The salary of only 50% of the total staff was hiked as per the recommendations of the 6th.Pay Commission and that too only partially.

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Sunshine Public School, Laxmi Nagar, Delhi - 110092

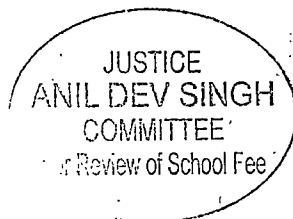
The remaining staffs were employed on contractual basis on fixed consolidated salary.

- (iii) The school was not registered with PF authorities.
- (iv) No TDS was deducted from the salaries of the staff; even TAN was obtained only in 2012-13.
- (vi) The school did not charge development fee from the students.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the available record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I	445	545	100	545	NIL
II	445	545	100	565	20
III	465	565	100	585	20
IV	475	575	100	595	20
V	505	705	200	705	NIL
VI	525	725	200	725	NIL
VII	545	745	200	745	NIL
VIII	565	765	200	765	NIL

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Secretary

Sunshine Public School, Laxmi Nagar, Delhi - 110092

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee by less than 10% for classes II, III and IV only.

11. The school has not implemented the recommendations of the 6th Pay Commission.

12. As per the record, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in

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Secretary

Sunshine Public School, Laxmi Nagar, Delhi - 110092

the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-01.08.2014

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Secretary

M.R.Vivekananda Model School, Mukhram Park, Tilak Nagar, New Delhi-110018 000274


The school had not replied to the questionnaire sent by the Committee to the school by email on 27/02/2012 which was followed by a reminder dated 27/03/2012. However, the annual returns filed by the school under Rule 180 of Delhi School Education Rules 1973 were received from the office of Dy. Director of Education, Distt. West-A of the Directorate of Education. On prima facie examination of the records, it appeared that the school had hiked the fee as per order dated 11/02/2009 issued by the Director of Education but had not implemented the VI Pay Commission Report. On the basis of this reply, the school was placed in Category 'A'.

The Committee vide its letter dated 08/08/2012 required the school to produce on 28/08/2012, its fee and salary records, detail of arrear fee received from the students. The school was also required to submit its reply to the questionnaire dated 27/02/2012 issued by the Committee. On the scheduled date, Sh. Anil Sharma, Manager of the school, appeared and produced the required records. He also filed reply to the questionnaire dated 27/02/2012.

As per the reply, the school claimed to have implemented the VI Pay Commission report w.e.f. 21/07/2009. The school also claimed to have paid arrears of salary to the staff. However, it enclosed salary sheets for the month of June 2009 and September 2011, to show the differential amount of salary on account of implementation of VI Pay



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Commission report. It also enclosed a detail of arrears due to the staff vis a vis that paid for the period 21/07/2009 to 31/08/2011. As per the detail filed, the school claimed that a total sum of Rs. 1,50,67,442 was due as arrear salary to the staff for the period 21/07/2009 to 31/08/2011, out of which a sum of Rs. 1,22,39,283 had been paid and the remaining amount of Rs. 28,28,159 was yet to be paid.

With respect to hike in regular fee, it stated that the same had been hiked w.e.f. 01/03/2009 in terms of the order dated 11/02/2009 issued by the Director of Education. However, it claimed not to have charged any arrear fee from the students. It enclosed an annexure showing the pre revision and post revision fee. As per information furnished by the school, the pre revision and post revision fee is as follows:

Class	Tuition Fee in 2008-09 (Rs.)	Tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)
I	735	835	100
II	735	835	100
III	735	835	100
IV	735	835	100
V	735	835	100
VI	770	970	200
VII	770	970	200
VIII	770	970	200
IX	925	1125	200
X	960	1160	200
XI	1090	1390	300
XII	1090	1390	300

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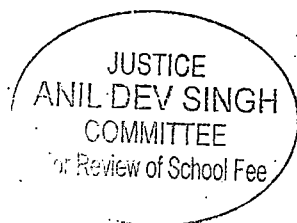
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The records produced by the school were examined by Sh. A.K. Bhalla, audit officer of the Committee. He, inter alia, observed as follows:

- (i) The arrears for the period 21/07/2009 to 31/08/2011 had been paid as per the orders of the Court. However, the details of payments of arrears of salary were not made available by the school.
- (ii) Though the school claims to be making payment of salary through bank, the acquittance rolls or details of amounts remitted through bank had not been made available.
- (iii) The school started paying increase salary as per VI Pay Commission report only w.e.f. July 2011.
- (iv) The school did not produce the fee receipts but only computer generated details of fee. The fee actually charged from the students is at variance from the fee structure filed by the school for the years 2008-09, 2009-10 and 2010-11.
- (v) The school was charging fee at different rates before October 2008 and thereafter, in the year 2008-09.

The observations recorded by the audit officer as above, were endorsed by the Manager of the school by recording on the order sheet as follows:



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"I agree with the above observations which are as per school records."

In order to provide an opportunity of being heard by the Committee, the school was issued a notice dated 02/04/2014, to appear before the Committee on 25/04/2014. A questionnaire to elicit information specifically about receipt of development fee, its utilisation and maintenance of development fund and depreciation reserve fund, was also issued to the school. Vide the aforesaid notice, the school was required to furnish complete break up of fee revenue, expenditure on salary, statement of account of the trust/society running the school, details of accrued liabilities of gratuity/leave encashment, if applicable, copy of circular issued to the parents relating to fee hike for implementation of VI Pay Commission report. The school was also required to produce its complete financial records for examination by the Committee.

On the scheduled date, Sh. Anil Sharma, Manager of the school appeared and was partly heard. However, he did not produce any records for perusal by the Committee. On examination of the file, it transpired that the school had filed two sets of fee schedules for 2008-09 and 2009-10 on different occasions. It was conceded that the school had hiked the fee to the maximum extent permitted vide order dated 11/02/2009 of the Director of Education. He contended that



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the school had made payment of arrears of salary amounting to Rs. 28,28,159 in two installments – first in 2009-10 and the second in 2011-12. The period to which the arrears pertained was 21/07/2009 to 31/08/2011. It was conceded that the payment of arrears was made in cash and no deduction of TDS was made from payment of such arrears. It was further contended that the payment of arrears for the period to 21/07/2009 to 31/08/2011 was made in pursuance of an order of the Delhi High Court. However, copy of such order was not produced. With regard to regular monthly salary, it was contended that the same was paid by bank transfer in that period. The representative of the school was directed to produce the following records before the Committee on the next date of hearing which was fixed for 09/05/2014:

- (a) Order of the High Court
- (b) Payment sheets of arrear salary
- (c) Correct schedule of fees for 2008-09, 2009-10 and 2010-11.
- (d) Salary payment records, fee records, bank statements, TDs returns, Cash book and ledger for the years 2008-09 to 2010-11.
- (e) Details as per notice dated 02/04/2014.

On the next date of hearing, Sh. Anil Sharma, again appeared but did not produce any of the aforesaid records except the order



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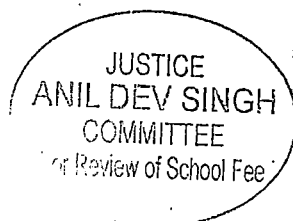
dated 12/08/2011 passed by the Hon'ble High Court of Delhi in Contempt case (C) No. 467/2009 and the related writ petitions. The writ petitions were filed by the teaching and non teaching staff of M.R.V. Model School, Sector-13, Dwarka, New Delhi and M.R. Vivekanand Model School, Mukhram Park, Tilak Nagar, New Delhi (the present school). He contended that in terms of the order of the Hon'ble High court, the school was required to implement the VI Pay Commission report w.e.f. September 2011 and pay arrears for the period 21/07/2009 to 31/08/2011.

On perusal of the aforesaid order of the Hon'ble Delhi High Court, the Committee finds that the two writ petitions were filed against the Management of the two schools as aforesaid. The grievance of the petitioners was that the school was not complying with Section 10 Delhi School Education Act and Rule 125 of Delhi School Education Rules. The Hon'ble High Court, disposed of the writ petitions in the following terms:

8. *The Schools cannot possibly have any objection to the same in as much as the schools as a condition of recognition are required to comply with the Act and the Rules. The counsel for the schools however stated that the provisional recognition was granted to the schools only on 21st July 2009. He thus contends that the schools would be required to pay emoluments in accordance with the Act and the Rules only with effect from that date and not from prior thereto.*

9. *The counsel for the petitioners is also agreeable that the directions for compliance of the aforesaid provisions can be from the said date of provisional recognition only.*

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10. Though the relief claimed in the writ petitions was as aforesaid only but interim orders of maintenance of status quo employment have also been made. The counsel for the petitioners however fairly agrees that the matter of dismissal by the schools of any of the teachers is to be dealt with separately and not in these writ petitions.

11. Accordingly, the writ petitions are disposed of with the following directions:

- a. That the respondent schools are directed to, with effect from the month of September 2011, pay emoluments to the petitioner in accordance with Section 10 & Rule 125 (supra).
- b. The respondent schools are granted time till 31st March 2012 to clear the arrears if any of the said emoluments by payment thereof to the teaching/non teaching staff.
- c. If teaching/non teaching staff remains aggrieved, they would be at liberty to approach the Directorate of Education and upon being so approached, the Directorate of Education is directed to enquire and if finds schools to be in defiance of this order and/or of the provisions aforesaid, to take appropriate action against the schools in accordance with law but definitely within four months of being so approached by the employees.

On perusal of the aforesaid order of the Hon'ble High Court, the following position becomes apparent:

- (a) The school was required to comply with the provisions of Section 10 of Delhi School Education Act w.e.f. the date of its recognition which was claimed to be 21/07/2009. In other words, the school was required to implement the VI Pay Commission report w.e.f 21/07/2009.



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- (b) The increased salary was to be paid from September 2011 and the school was required to pay the arrears for the period 21/07/2009 to 31/08/2011.

It appears that the school made a misstatement before the Hon'ble High Court to the effect that it was granted recognition on 21/07/2009. In fact, it was the other school i.e. MR Vivekanand Model School, Sector-13, Dwarka, New Delhi-110075, which was granted recognition w.e.f. 21/07/2009. The Committee has already dealt with this other school in its IInd Interim report and has taken notice of the fact that it was granted recognition with effect from that date. In so far as the present school is concerned, it was granted recognition much earlier i.e. sometime in mid 1990s and it was conceded by the Manager of the school during the course of hearing, on being confronted with the copy of the letter dated 23/04/2012, written by the Manager of the school to the Education Officer, Zone-14 of the Directorate of Education, vide which the school filed copies of its annual returns for the years 2006-07 to 2010-11. The annual returns are required to be filed only by recognized schools.

The aforesaid narrative has been made with a view to underscoring the fact that the school is habitually telling lies before various fora. Even before the Hon'ble Delhi High Court, the true position with regard to the date of recognition was not stated. Before

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this Committee also, the school did not produce any of the records which it was required to produce. It conveniently filed copy of letter dated 19/11/2010 addressed to the Station House Officer of Tilak Nagar Police Station saying as follows:

"Respected Sir,

I am to say that academic record registers for the period 2005 to 2009 has been destroyed because rain water in the store room/record room on account of wetness in the school.

It is requested that the above information may kindly be kept in record.

Yours faithfully,

Sd/-

Principal"

Discussion, Determination & Recommendation :

In view of foregoing narrative, the Committee is not at all satisfied with the claim of the school that it paid arrears of salary from 21/07/2009 to 31/08/2011, as claimed by the school. When the school claims to be making payment of regular salary w.e.f. September 2011 through bank transfer, it would defy logic to make payment of huge amount of arrears in cash and that too without deduction of any tax at source. When the school was asked to produce its cash book to verify whether it had cash available with it to be able to make the payment, it refused to do so on the pretext that the same had been destroyed. However, as per the purported letter given by the school to the SHO of the Police Station, the records of the period 2005 to 2009

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only were claimed to have been destroyed. The purported payment of arrears could only have been made subsequent to the order passed by the Hon'ble Delhi High Court on 12/08/2011. The school never claimed that its records for this period were destroyed yet it did not produce the same before the Committee. The crux of the above discussion is that at best the school implemented the VI Pay Commission report prospectively w.e.f. September 2011. However, it hiked the fee in terms of order dated 11/02/2009 issued by the Director of Education w.e.f. 1st March 2009. As noticed supra, the school filed two sets of fee schedules for 2008-09 and 2009-10. The first set was filed under cover of its letter dated 23/04/2012 to the Education Officer, Zone-14 of the Directorate of Education, which was transmitted to this Committee. As per these schedules, the fee charged by the school prior to 01/03/2009 and post to 01/03/2009 was as follows:

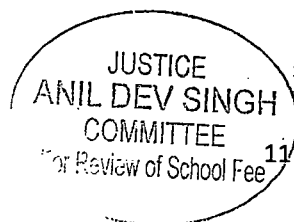
Class	Tuition Fee in 2008-09 (Rs.)	Tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)
I	635	835	200
II	635	835	200
III	635	835	200
IV	635	835	200
V	635	835	200
VI	770	970	200
VII	770	970	200
VIII	770	970	200
IX	925	1125	200
X	960	1160	200
XI	1090	1390	300
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The second set of fee schedules was filed by the school along with its reply to the questionnaire issued by the Committee. The same has already been reproduced in the earlier part of this recommendation. The Committee is of the view that the first set of fee schedules filed by the school is correct for the following reasons:

- (i) The fee hiked is the maximum permissible hike as per order dated 11/02/2009 issued by the Director of Education for all the classes whereas in the fee schedules filed in response to the questionnaire of the Committee, the school showed that the hike in fee for classes I to V was to the tune of Rs. 100 per month only which was half of the maximum hike permitted for that slab. It does not stand to reason as to why for some classes the hike would be to the maximum permissible extent while for some other it would be less than that.
- (ii) The representative of the school, during the course of hearing held on 25/04/2014, conceded that the school hiked the fee to the maximum extent as per the aforesaid order dated 11/02/2009.
- (iii) The school did not produce the original fee receipts when its records were requisitioned for verification.



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In view of the foregoing, the Committee is of the view that although the school hiked the fee to the maximum extent as permitted vide order dated 11/02/2009 w.e.f. 01/03/2009, it did not implement the VI Pay Commission report at least till September 2011. The Committee is therefore of the view that the tuition fee hiked by the school w.e.f. 01/03/2009, in so far as it exceeds the tolerance limit of 10%, ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund. As the fee hiked in 2009-10 is also part of the fee for 2010-11 by which date also, the VI Pay Commission had not been implemented, the fee of 2010-11, in so far as it relates to the hike found to be unjustified by the Committee for the year 2009-10, also ought to be refunded along with interest @ 9% per annum from the date of collection to the date of refund. For the moment, we do not recommend refund of any part of fee for the years subsequent to 2010-11 as the school claims to have implemented the VI Pay Commission report w.e.f. September 2011 in pursuance of the order of the Hon'ble Delhi High Court. However, since the school did not produce any records before the Committee, the claim of the school needs to be verified. The school also did not submit any reply to the questionnaire regarding development fee issued by the Committee, although in the fee schedules, it claims that it was not charging any

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development fee. However, in view of the conduct of the school, its claim cannot be taken at the face value and this also needs to be verified by the Director of Education.

In view of the foregoing, the Committee recommends that besides refunding the tuition fee as above, the Director of Education ought also to conduct a special inspection in the affairs of the school, especially to verify whether the school implemented the VI Pay Commission report w.e.f September 2011 or not. The special inspection should also cover the verification of the charge of the development fee and the fulfillment of pre conditions of its charge as laid down by the Duggal Committee which were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 02/06/2014

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Bhawan's Sawan Public School, Bhatti Mines Road, Delhi-110074

In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide letter dated 07/03/2012 stated that it had implemented the VI Pay Commission Report w.e.f. 01/04/2009. In support of this claim, the school enclosed pay bills for the months of March 2009 and April 2009, to show that the gross monthly salary increased from Rs. 2,78,400 to Rs. 5,33,500. The school also stated that it had paid arrears of salary for the period 01/01/2006 to 31/08/2008 which amounted to Rs. 63,32,415 and for the period 01/09/2008 to 31/03/2009 which amounted to Rs. 21,40,048.

With regard to questions relating to fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, the school stated that the fee had been hiked in accordance with the said order w.e.f. April 2009. It enclosed statements showing the total fee collection in 2008-09 and 2009-10 along with the details relating to number of fee paying students. As per these statements, the school collected a total sum of Rs. 1,08,53,049 as tuition fee, Rs. 10,98,285 as development fee and Rs. 93,600 as science fee during 2008-09. The corresponding figures for 2009-10 were Rs. 1,04,71,300, Rs. 15,11,800 and Rs. 59,800 respectively. Although, in the reply to the questionnaire, the school stated that detail of arrear fee charged from the students was enclosed as Annexure- 4, no such annexure was



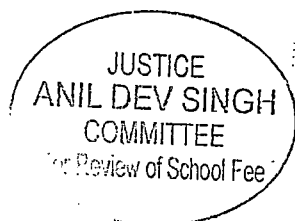
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Bhawan's Sawan Public School, Bhatti Mines Road, Delhi-110074

found enclosed. The school was placed in Category 'B', on the basis of this reply.

Preliminary calculations of funds available with the school, the additional funds generated by way of fee hike and the additional burden on account of implementation of VI Pay Commission report were made by the Chartered Accountants (CAs) detailed with the Committee. In the notes to the preliminary calculation sheet prepared by the CAs, it was mentioned that the school had not given reply to the questionnaire and therefore, the calculations of increase in tuition fee and salary were made by taking figures from the other documents. However, as mentioned supra, the Committee received a reply to the questionnaire issued by it vide the school's letter dated 07/03/2012 which was received in the office of the Committee on 12/03/2012. The calculations were made by the CAs much after 12/03/2012. Obviously the reply to the questionnaire was not considered by the CAs while making the relevant calculations and therefore, the Committee considered it appropriate not to rely upon the calculations made by the CAs. The Committee also felt that the figures provided by the school did not somehow gel as on one hand the school claimed to have hiked the tuition fee w.e.f. 01/04/2009 in terms of order dated 11/02/2009 issued by the Director of Education, on the other hand, the total collection of tuition fee in 2009-10 dropped to Rs.

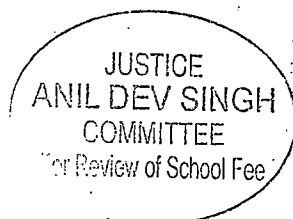
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1,04,71,300 from Rs. 1,08,53,049 in 2008-09. Similar trend was noticeable in science fee also. However, the development fee had gone up by almost 50% in 2009-10 as compared to 2008-09. Therefore, a notice of hearing dated 23/12/2013 was issued for hearing the school on 21/01/2014. Along with the notice, a questionnaire seeking specific information with regard to collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund was also issued. On the scheduled date, Ms. Diksha Kaushik, Advocate appeared and made a request to postpone the hearing for two weeks. Accordingly the matter was directed to be relisted for 05/02/2014. On this date, Sh. Manoj Sharma and Sh. Rajiv Malhotra, Chartered Accountants appeared on behalf of the school along with Sh. Vinod Chaudhary, Accountant of the school. They furnished in writing the information sought by the Committee and also filed reply to the questionnaire regarding development fee. We will advert to the reply to the questionnaire regarding development fee, when we discuss that issue.

The school, vide its submissions dated 05/02/2014 also filed details of its accrued liabilities for gratuity and leave encashment as on 31/03/2008 and as on 31/03/2010. It submitted that the accrued liabilities for these two accounts were - Gratuity **Rs. 52,30,723** and leave encashment - **Rs. 18,15,983** as on



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31/03/2008. The corresponding figures as on 31/03/2010 were Rs. 75,77,141 and **Rs.30,19,939**. However, while examining the calculation for gratuity as on 31/03/2010, the Committee finds that in respect of a number of employees, the accrued liability has been shown to be in excess of Rs. 3.50 lacs, which was the maximum amount payable as gratuity as on that date. The ceiling was raised to Rs. 10.00 lacs vide notification No. S.O.1217 (E) dated 24/05/2010 when The Payment of Gratuity (Amendment) Act, 2010 came into force. Therefore, while calculating the liability as on 31/03/2010, the maximum amount payable has to be restricted to Rs. 3.50 lacs only. Based on this ceiling of Rs. 3.50 lacs, the liability for gratuity projected by the school at Rs. 75,77,141 is excessive to the extent of Rs. 11,92,867. The Committee, will accordingly consider the liability to be **Rs. 63,84,274** in its determinations.

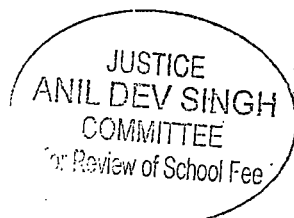
During the course of hearing on 05/02/2014, it came out that the school was also running a hostel for the students but its financial transactions were not incorporated in the balance sheets of the school. The representatives of the school explained that the school was preparing a separate balance sheet for the hostel and no consolidated balance sheet was prepared by the school. The balance sheets filed as part of returns under Rule 180 of Delhi School Education Rules also were the balance sheets of the school only.



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Those for the hostel were never filed with the Directorate of Education. It appeared that substantial financial transactions were taking place in the account of hostel which were concealed from the Directorate of Education as well as this Committee. The school was accordingly required to file the audited balance sheet of the hostel also for the years 2006-07 to 2010-11 so that a holistic view of the funds available with the school could be taken. The matter was directed to be relisted on 24/02/2014 for this purpose. On this date, Sh. N. K. Mahajan, Chartered Accountant appeared with Sh. Manoj Sharma, Chartered Accountant and Sh. Vinod Chaudhary, Accountant. They filed the audited balance sheets of the hostel from 2006-07 to 2010-11, employeewise list of arrears paid to the hostel staff and statement of arrear fee collected from the students availing of hostel facility. They also filed a calculation sheet showing funds available with the school, with the hostel and a consolidated statement incorporating the figures of the school and the hostel. Also filed were details of gratuity and leave encashment payable to the hostel staff as on 31/03/2010. The respective figures were Rs. 72,20,057 for gratuity and Rs. 27,86,794 for leave encashment.

On consolidation of the two statements of the funds available with the school and those with the hostel, as filed by the school, the position as projected by the school is as follows:



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Statement showing Fund availability of as on 31-03-2008				
Particulars		School	Hostel	Total
Current Assets				
	Cash in hand	6,835	6,929	13,764
	Bank Balance	660,899	7,301,554	7,962,453
	Fixed Deposits with Bank	5,160,563	27,500,000	32,660,563
	Accrued Interest on FDR	452,679	1,664,972	2,117,651
	Advances & Sundry Deposits	119,575	731,403	850,978
	Stock	-	952,345	952,345
	Sawan Public School / SPS Hostel	(8,060,264)	8,060,264	-
	Total Current assets (A)	(1,659,714)	46,217,467	44,557,753
Less:	Current Liabilities			
	Outstanding Expenses	89,630	242,995	332,625
	Fee Received in advance	2,895,900	-	2,895,900
	PTC subscription	440,496	-	440,496
	Students Deposits (Personal a/c)	-	3,725,796	3,725,796
	Other Liabilities	-	1,014,748	1,014,748
	Bhagwan Dass	35,635	-	35,635
	Deposit Caution Money	236,660	2,788,401	3,025,061
	Total Current Liabilities (B)	3,698,321	7,771,940	11,470,261
	Net Current Assets (A-B=C)	(5,358,035)	38,445,527	33,087,492

It is apparent that substantial funds to the tune of Rs. 3,84,45,527 were available in the school hostel account and these were suppressed from the financial statements submitted to the Directorate of Education as well as to this Committee. The school was projecting that it had negative funds to the tune of Rs. 53,58,035 and hence had no resources of its own to implement the recommendations of VI Pay Commission. The Committee, in its determinations, will consider the consolidated position of funds available with the school as well as the hostel as on 31/03/2008, which as per the own submission of the school, amounted to **Rs. 3,30,87,492.**

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Before proceeding further, it would be apposite to determine as to how much funds were available with the school, which could have been utilised by it for meeting its financial obligations on account of implementation of VI Pay Commission report. The Committee has taken a view in cases of all the schools that the entire funds available with the schools ought not to be considered as available for implementation of VI Pay Commission report as the schools ought to retain funds in reserve for meeting its accrued liabilities on account of gratuity and leave encashment and funds equivalent to four months' salary to be kept in reserve for future contingencies. Accordingly, in the considered view of the Committee, the funds available with the school which could have been utilised for implementation of VI Pay Commission report are determined at **Rs.65,24,357**, as follows:

Particulars		Amount (Rs.)
Funds available as on 31/03/2008, as per the school's own submissions		3,30,87,492
Less:		
1. Accrued liability of gratuity as on 31/03/2010, as per the above discussion:		
(a) School	63,84,274	
(b) Hostel	<u>72,20,057</u>	1,36,04,331
2. Accrued liability of leave encashment as on 31/03/2010, as per the submissions of the school:		
(a) School	30,19,939	
(b) Hostel	<u>27,86,794</u>	58,06,733
3. Reserve for contingencies i.e. four months' salary (based on the total expenditure on salary as per audited Income & Expenditure Account of 2009-10)		
(a) School	41,37,805	
(b) Hostel	<u>30,14,266</u>	71,52,071
Funds available for implementation of VI Pay Commission report		65,24,357

Further, as per the details furnished by the school, the Committee observes that the school had been paying administrative

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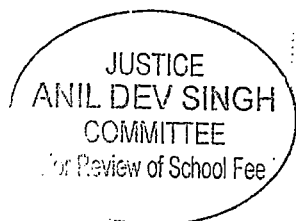
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charges to its parent society every year. The payments made for the years 2005-06 to 2010-11 were as follows:

Year	Administrative charges paid (Rs.)
2005-06	2,47,000
2006-07	2,49,500
2007-08	2,85,000
2008-09	3,40,500
2009-10	3,45,500
2010-11	2,42,000
Total	17,09,500

Since the Committee had initially asked for information to be furnished for these years, in order to ascertain the exact diversion of funds to the Society, the Committee sought further details vide its letter dated 20/06/2014. The school was required to furnish the details of administrative charges paid to its Parent Society for the years prior to 2006-07, latest by 25/06/2014. However, the school, vide its letter dated 25/06/2014 requested for being provided more time for furnishing the required information. The office of the Committee granted time till 07/07/2014 for doing the needful. However, vide its letter dated 05/07/2014, the school provided details of the administrative charges only for the years 2006-07 to 2010-11, which details the school had already furnished earlier. The school did not furnish information for the period prior to 2006-07, which was specifically required by the Committee vide its letter dated 20/06/2014. The school further stated that it had not paid any administrative charges after 2008-09 and the provision made for the



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subsequent years has been written back. However, the statement of account of the Parent Society filed by the school for the years 2009-10 and 2010-11, while reflecting the provisions made for those years, show no entry of any write back. The school has not produced its financials of the years subsequent to 2010-11 to back up its claim of writing back the provision.

The Hon'ble Supreme Court in the cases of Modern School vs. Union of India (2004) 5 SCC 583 and Action Committee Unaided Pvt. Schools and Ors. v. Director of Education and Ors. 2009 (11) SCALE 77 has held that the schools cannot transfer funds to their Parent Societies. There is an absolute prohibition of such transfer of funds. Although the exact transfer of funds by the school to its Parent Society cannot be ascertained as the school did not provide the requisite information for the years prior to 2005-06, atleast an amount of Rs. 17,09,500 was transferred by the school from 2005-06 to 2010-11, as per the documents filed by the school. For the present purpose, the Committee considers that the aforesaid sum of **Rs. 17,09,500** ought to be considered as funds available with the school for implementation of VI Pay Commission report.

In view of the foregoing discussion, the Committee is of the view that the school had funds aggregating **Rs. 82,33,857**



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(65,24,357+17,09,500) available with it for implementation of VI Pay Commission report.

As regards the additional revenue generated by the school by way of fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, the school contended, vide its calculation sheet filed, that it recovered a total sum of Rs. 1,10,05,551 by way of arrear fee and incremental fee in the year 2009-10. The details given by the school in this respect are as follows:

Particulars	School	Hostel	Total
Fee Arrear received in 2008-09	1,667,050	2,190,000	3,857,050
Fee arrear received in 2009-10	1,371,290	2,152,705	3,523,995
Annual Increase in Tuition/hostel fee in 2009-10	(381,749)	4,006,255	3,624,506
Total amount received for implementation of 6th CPC (F)	2,656,591	8,348,960	11,005,551

The Committee finds that the information furnished by the school as above is in consonance with the audited financials of the school, which the Committee has no reason to doubt. Therefore, the Committee accepts the contention of the school in this regard.

As regards the additional financial burden on the school on account of implementation of VI Pay Commission report, the school contends vide its calculation sheet that it incurred an additional expenditure of Rs. 2,24,67,075, as per the following details:

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Particulars	School	Hostel	Total
Arrear of Salary as per 6th CPC w.e.f. 1.1.06 to 31.8.08	6,332,418	3,374,290	9,706,708
Arrear of Salary as per 6th CPC w.e.f. 1.9.08 to 31.3.09	2,140,048	1,513,773	3,653,821
Annual Increase in Salary in 2009-10	6,088,612	3,017,934	9,106,546
Total Outgo on implementation of 6th CPC (E)	14,561,078	7,905,997	22,467,075

These details have been verified with reference to the audited financials of the school. the Committee finds that the contention of the school is not supported by its audited financials in the following respects:

- (a) The total arrear salary as per VI Pay Commission report as appearing in its audited Income & Expenditure Accounts for the year 2008-09 and 2009-10 are as follows:

Particulars	School	Hostel	Total
Arrear salary as per Income & Expenditure Account of 2008-09	31,76,176	21,04,559	52,80,735
Arrear salary as per Income & Expenditure Account of 2009-10	52,96,290	27,83,504	80,79,794
Total	84,72,466	48,88,063	1,33,60,529

This accords with the figure given by the school in its calculation sheet.

- (b) The incremental salary for the year 2009-10, as emerging from the audited Income & Expenditure Accounts is as follows:

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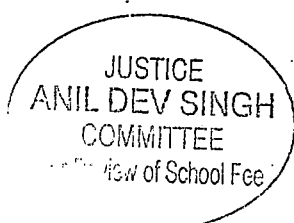
Particulars	School	Hostel	Total
Expenditure on salary to regular staff + contribution to PF in 2009-10	1,33,79,249	98,07,411	2,31,86,660
Less Expenditure on salary to regular staff + contribution to PF in 2008-09	96,02,418	69,77,398	1,65,79,816
Incremental expenditure in 2009-10	37,76,831	28,30,013	66,06,844

In view of the foregoing position that emerges from the audited financials of the school, the Committee is of the view that the total financial impact of implementation of VI Pay Commission report on the school was **Rs. 1,99,67,373**, as follows:

(a) Arrear salary	Rs. 1,33,60,529
(b) Incremental salary in 2009-10	Rs. <u>66,06,844</u>
Total	Rs. <u>1,99,67,373</u>

The relevant calculations to examine the justifiability of hike in fee effected by the school pursuant to the order dated 11/02/2009 of the Director of Education are as follows:

Own Funds available with the school at the threshold	Rs. 82,33,857
Less Financial impact of implementation Of VI Pay Commission report	Rs. <u>1,99,67,373</u>
Deficit	Rs. <u>1,17,33,516</u>

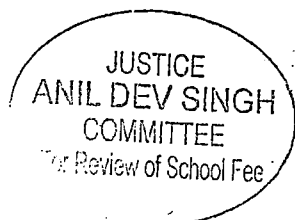


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The school, by hiking the fee and recovering the arrear fee in terms of order dated 11/02/2009 issued by the Director of Education generated a sum of Rs. 1,10,05,551. Hence apparently, the fee hiked by the school appears to be justified. However, in view of the fact that the school did not provide the information regarding administrative charges paid by it to its Parent Society for the years prior to 2005-06, despite specific requirement of the Committee, the Committee cannot give a clean chit to the school and recommends special inspection by the Director of Education in order to unearth the amounts diverted by the school to its Parent Society in those years. For this reason, the Committee will ignore the apparent shortfall in the tuition fee account, as noticed above, while examining the issue of development fee, should the situation requires a refund of any part of development fee.

Development Fee:

In reply to the questionnaire issued by the Committee eliciting specific information regarding collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund, the school stated that it had charged development fee in all the five years for which information had been

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sought. The school gave the following details of collection of development fee and its utilisation for the years 2006-07 to 2010-11:

Year	Development fee received (Rs.)	Development fee utilised for purchase of fixed assets (Rs.)	Development fee utilised for payment of salaries (Rs.)	Percentage of development fee utilised for payment of salaries
2006-07	9,15,200	3,03,357	6,11,843	66.85%
2007-08	10,69,549	6,14,111	4,55,438	42.58%
2008-09	10,98,285	97,620	10,00,665	91.11%
2009-10	15,11,800	1,38,135	13,73,665	90.86%
2010-11	13,18,800	25,880	12,92,920	98.03%
Total	59,13,634	11,79,103	47,34,531	

It is apparent from the above figures which have been furnished by the school that it had been charging development fee which was taken as an additional source of revenue and spent mainly for payment of salaries to the staff. The school utilised only a miniscule amount for the permitted purpose of purchase or upgradation of furniture & fixture and equipments. The amount that was not utilised for these purposes was supposed to be kept in a separate earmarked account but the school, in its reply to the questionnaire, candidly admitted that instead of keeping it in a separate earmarked account, it exhausted the development fund by paying salaries. The Committee is of the view that the school unjustifiably charged development fee from the students without having any development plans and on top of it, it used the development fee for payment of salaries which was not permissible in view of the recommendations of the Duggal



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Committee which were upheld by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (supra).

The Committee notes that the school was also charging development fee from the students, additionally, in the hostel account. However, the information pertaining to this was not furnished by the school in its reply to the questionnaire. The Committee has gathered this information from the audited balance sheets of the hostel. Perusal of the audited balance sheets shows that the school charged the following amounts as development fee from the students in the hostel account:

Year	Development fee received (Rs.)
2006-07	18,74,800
2007-08	21,90,804
2008-09	22,42,044
2009-10	38,70,500
2010-11	33,67,100

The Committee is of the view that such a charge was wholly unjustified, if not illegal as the schools are permitted to charge development fee upto a maximum of 15% of tuition fee. The school had already charged such a fee in the school account as discussed supra. There is no provision for charging any development fee on the hostel fees. Development fee, for the first time was allowed to be charged by the schools pursuant to the recommendations of the Duggal Committee. The relevant extracts of the Duggal Committee report are as follows:

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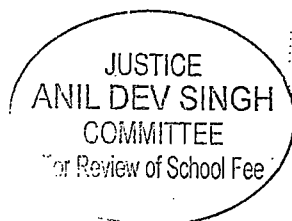
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"18. Besides the above four categories, the schools could also levy a Development Fee, as a capital receipt, annually not exceeding 10% of the total annual Tuition Fee, for supplementing the resources for purchase, upgradation and replacement of furniture, fixtures and equipment, provided the school is maintaining a Depreciation Reserve Fund, equivalent to the depreciation charged in the revenue account. While these receipts should form part of the Capital Account of the school, the collected under this head along with any income generated from the investment made out of this fund, should however, be kept in a separate 'Development Fund Account'. (Para 7.21)

Pursuant to the report the Government of National Capital Territory of Delhi passed an order dated December 15, 1999 in order to give effect to the recommendations of Duggal Committee. One of the directions (no. 7) given vide the aforesaid order was that Development fee not exceeding 10% of the total annual tuition fee for supplementing the resources for the purpose of purchase, upgradation and replacement of furniture, fixtures and equipment. The Hon'ble Supreme Court in the case of Modern School vs. Union of India while discussing the direction No. 7 of the aforesaid order, observed as follows:

25. In our view, on account of increased cost due to inflation, the management is entitled to create Development Fund



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Account. For creating such development fund, the management is required to collect development fees. In the present case, pursuant to the recommendation of Duggal Committee, development fees could be levied at the rate not exceeding 10% to 15% of total annual tuition fee. Direction no.7 further states that development fees not exceeding 10% to 15% of total annual tuition fee shall be charged for supplementing the resources for purchase, upgradation and replacement of furniture, fixtures and equipments. It further states that development fees shall be treated as Capital Receipt and shall be collected only if the school maintains a depreciation reserve fund. In our view, direction no.7 is appropriate. If one goes through the report of Duggal Committee, one finds absence of non-creation of specified earmarked fund. On going through the report of Duggal Committee, one finds further that depreciation has been charged without creating a corresponding fund. Therefore, direction no.7 seeks to introduce a proper accounting practice to be followed by non-business organizations/not-for-profit organization. With this correct practice being introduced, development fees for supplementing the resources for purchase, upgradation and replacements of furniture and fixtures and equipments is justified. **Taking into account the cost of inflation between 15th December, 1999 and 31st December, 2003 we are of the view that the**

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management of recognized unaided schools should be permitted to charge development fee not exceeding 15% of the total annual tuition fee.

It is apparent from the recommendations of the Duggal Committee, the order issued by the Director of Education and the judgment of the Hon'ble Supreme Court in the case of Modern School (supra), the schools were permitted to charge development fee to the extent of 15% of annual tuition fee. No permission was accorded to the school to charge development fee as a percentage of any other fee, much less hostel fee.

In view of the foregoing discussion, the Committee is of the view that the school was not justified in charging development fee either in the school account or in the hostel account. In the school account, the development fee was charged mainly to meet the expenditure on salary which was not a permitted purpose. In the hostel account, the development fee, as discussed above, was illegally charged. The Committee is therefore of the view that the school ought to refund the development fee charged, both in the school account as well as in the hostel account along with interest @ 9% per annum. Since the mandate of the Committee is to examine the issue of fee charged by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its

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recommendations of refund of fee for the years 2009-10 and 2010-11 only. The development fee charged by the school in these two years which ought to be refunded along with interest @ 9% per annum, is as follows:

Year	Development fee (School account)	Development Fee (Hostel account)	Total development fee
2009-10	15,11,800	38,70,500	53,82,300
2010-11	13,18,800	33,67,100	46,85,900
Total	28,30,600	72,37,600	1,00,68,200

Recommendations:

In view of the above discussion, the Committee makes the following recommendations:

- (i) The school ought to refund development fee charged in 2009-10 and 2010-11 in school account as well as in the hostel account which aggregates Rs. 1,00,68,200, along with interest @ 9% per annum from the date of collection to the date of refund.
- (ii) The Director of Education ought to conduct special inspection to ascertain the amount diverted by the school as administrative charges to its Parent Society in the years prior to 2005-06, and if after factoring such amount in the calculations made by the Committee with regard to the justifiability of tuition fee, a surplus results in the hands of the school, such

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surplus be also ordered to be refunded along with
interest @ 9% per annum.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson


Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014



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In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide its letter dated 28/03/2012 submitted that:

- (a) It had implemented the VI Pay Commission report w.e.f. March 2009. The monthly salary bill prior to implementation amounted to Rs. 23,38,822 which rose to Rs. 31,97,153 after its implementation.
- (b) It had paid arrears of salary arising on account of retrospective application of VI Pay Commission report, amounting to Rs. 1,01,31,685 in three instalments and the balance amount of Rs. 1,08,68,315 was being paid in future instalments. Thus the total amount of arrears payable were Rs. 2,10,00,000.
- (c) It had increased the fee w.e.f. 01/09/2008 in terms of order dated 11/02/2009 issued by the Director of Education and furnished details of pre increase and post increase tuition fee for different classes. {From the details submitted, it is apparent that the hike in fee was Rs. 400 per month for classes I to VIII, XI & XII while the hike for IX & X was to the tune of Rs. 500 per month }.

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(d) It admitted to have recovered arrears of fee as envisaged in the aforesaid order dated 11/02/2009, and such arrear fee recovered was stated to be Rs. 1.26 crores.

Based on the information furnished by the school, it was placed in Category 'B'.

While forwarding the records of the school to this Committee, the Dy. Director of Education, Distt. West-A also forwarded the following complaints received by it:

- (i) Complaint dated 03/05/2010 received from one Sh. Sunil Kumar, another one dated 24/04/2010 from one Sh. Rajiv Arora, parents of students, regarding violation of order No. 1913 dated 12/04/2010 and circular No. 1978 dated 16/04/2010, issued by the Directorate of Education, mandating not to hike the fee without consulting duly elected parent teacher Association. It was alleged that the school had hiked the fee in the 'new session' by Rs. 230.
- (ii) Complaint dated 07/05/2010 by Coordination Committee of Cambridge Parents Welfare Association, raising the same grievance as mentioned in complaint at S.No. (i) above.
- (iii) Complaint dated 21/04/2010 by Coordination Committee of Cambridge Parents Welfare Association, raising grievances

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regarding not conducting Parents Teachers Meetings on a regular basis, not conducting General Body Meetings for holding elections to Parents Teachers Association and not giving representations to parents. Certain allegations regarding forcible realization of arrears prior to September 08, realization of development charges against guidelines of Directorate of Education etc. were also made. Allegations were also made that the school was charging fee for providing skating facility during school hours and also for providing extra classes to students and was not issuing any receipts for the same.

It is worth noting that while some parents had made complaints to the Directorate of Education, none of them approached the Committee with regard to the issue being considered by it, despite public notices given by the Committee in all leading newspapers. Moreover, the complaints referred to above, which have been made to the Directorate of Education, raise grievance with regard to fee hike effected in the session 2010-11. The issue being considered by the Committee is the fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, which essentially relates to the fee hike effected w.e.f. 01/04/2009, retrospectively w.e.f. 01/09/2008 and the recovery of arrears and development charges in accordance

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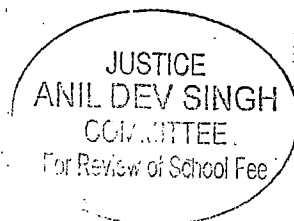
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with the parameters laid down by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. The Committee is therefore of the view that the Complaints made by the parents or their association, do not fall in the purview of the Committee and ought to be dealt with by the Directorate of Education itself. However, as discussed in the succeeding paragraphs, the Committee is of the view that the books of accounts of the school are not reliable and appear to be manipulated and there may be some substance in the allegations of the association of parents. However, the Committee being mandated to perform a specific task by the Hon'ble High Court, will restrict itself to its terms of reference.

In order to verify the contents of the reply to the questionnaire, the school was issued a notice dated 07/05/2012 requiring it to produce its books of accounts, salary payments register and bank statements for the years 2008-09 to 2010-11; on 14/05/2012 in the office of the Committee. On this date, Sh. R.P. Saluja, Administrative Officer of the school appeared along with Sh. Mohammad Irshad, Accounts clerk and produced the required records. They were examined by the Committee on 14/05/2012 and again on 25/05/2012. During the course of examination, the Committee observed that out of Rs. 56,65,300 claimed as payment of third installment of arrears, the mode of payment, as appearing in the bank



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statement was "CASH TRANSFER". Since the mode of payment could not be both cash and transfer, the school was asked to request its bankers to directly confirm to the Committee as to what was the actual mode of payment. The Committee received a letter dated 17/05/2012 from the Bank of Baroda, Rajouri Garden Branch, New Delhi, clarifying that erroneously while posting the particulars of payment, "CASH TRANSFER" was mentioned instead of only transfer. It was confirmed that the amount had been transferred to the saving accounts of the staff members and had not been paid in cash. The bank also enclosed copies of the cheques issued by the school along with instructions for transfer of amounts to the staff.

Further during the course of examination of the books of accounts, the Committee observed that the school had issued a cheque no. 329777 dated 13/09/2008 for Rs. 10,000 apparently for transfer to depreciation reserve fund account. In the balance sheet as on 31/03/2009, the school showed the said sum of Rs. 10,000 as the balance in depreciation reserve account in a saving bank account. However, the Committee observed that the said cheque was not encashed upto 31/03/2010 on which date the entry of the cheque was reversed by debit to General Expenses account. The result of these book entries was that a separate bank account came to be shown in the balance sheet as depreciation reserve fund account

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which a balance of Rs. 10,000, when actually no such account was ever opened. This balance of Rs. 10,000 was being carried in the balance sheet in depreciation reserve fund bank account even upto 31/03/2012. The school has clearly resorted to this stratagem to show that it is maintaining a separate depreciation reserve fund account in the bank when no such account was ever opened. These fictitious entries have been made in the books only to hoodwink the Department of Education to show that it is complying with the pre conditions laid down by the Hon'ble Supreme Court in the case of Modern School (supra) for charging development fee.

Further, during the course of examination of records, the Committee observed that while the balance of cash in hand as on 31/03/2009, as per the cash book was Rs. 7,26,554.13, the balance as reflected in the balance sheet of that date was Rs. 2,05,968.20, which was taken as the opening balance as on 01/04/2009. The school in its explanatory letter dated 25/05/2012 stated that it was merely on account of an accounting error, which had now been rectified. It was further submitted by the school that the officials of the Directorate of Education had carried out an inspection and with regard to the fee hike for the year 2010-11, they had observed that the same was justified being within 10%. A copy of the gist of the inspection report was also filed.

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A Preliminary calculation sheet was drawn up by the audit officer of the Committee, which indicated that prima facie, the school had available funds to the tune of Rs. 18,04,857, as against which the additional liability of the school for implementation of VI Pay Commission report upto 31/03/2010 was Rs. 2,12,89,988, leaving a gap of Rs. 1,94,85,131. However, the hike in fee effected by the school resulted in additional fee to the tune of Rs. 2,17,62,600 and therefore the school recovered more fee than was required to offset the deficit on account of implementation of VI Pay Commission report.

Statement showing Funds available vis a vis additional liability of salary			
S. No.	Particulars	Amount (Rs.)	Amount (Rs.)
	Current Assets		
	Cash in hand	160,519	
	Bank Balance	1,790,302	
	Other Current Assets	715,774	
	Investment	-	2,666,595
Less:-	Current Liabilities		
	Current Liabilities (other than Sundry Creditors)	-	
	Sundry Creditors	861,738	
	Student's Credit balance	-	861,738
Less:-	Net Current Assets		1,804,857
	Total Liabilities after VIth Pay		
	Arrear of Salary as per VI th Pay upto 28.02.2009 paid in 3 instalments	10,131,685	
	Increased Salary as per VI th Pay for March 2009	858,331	
	Annual increase in Salary (FY 09-10)	10,299,972	21,289,988
	Excess / (Short) Fund Before Fee Hike		(19,485,131)
Add:-	Total Recovery after VI th Pay		
	Recovered from students for Arrears w.e.f 01.01.06 to 31.08.08	7,084,500	
	Increase in Tuition Fee w.e.f 01.09.08 to 31.03.09	5,630,100	
	Annual increase in Tuition Fee (FY 09-10)	9,048,000	21,762,600
	Excess / (Short) Fund After Fee Hike		2,277,469

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The school was issued a notice dated 23/12/2013 for providing it an opportunity of hearing by the Committee on 08/01/2014. Along with the notice, a questionnaire eliciting specific response of the school on the queries relating to collection and utilisation of development fee, its treatment in the accounts and maintenance of development fund and depreciation reserve fund, was issued.

On the scheduled date, Sh. N.K. Mahajan, Chartered Accountant appeared with Sh. R.P. Saluja, Administrative Officer of the school and Mohammad Irshad, Accountant. The school filed written submissions dated 08/01/2014 and its representatives also made oral submissions before the Committee. The preliminary calculation sheet prepared by the audit officer of the Committee was disputed by the school in certain respects. It was submitted as follows:

Submissions:

- (a) The Committee had erroneously taken the liability of arrear salary at Rs. 1,01,31,685 whereas the actual liability was Rs. 2,09,58,202. The reason for the difference was that the Committee had not taken into account the arrear salary which the school still had to pay. Out of the total liability for arrear salary amounting to Rs. 2,09,58,202, the school had



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paid Rs. 1,08,69,173 upto 30/04/2010. Another sum of Rs. 37,72,869 have been paid between 01/07/2010 and 31/12/2013. The school did not have sufficient funds. So the arrears were being paid on monthly basis. Till the date of hearing, the school had paid Rs. 1,46,42,042 and there was still a balance of Rs. 63,16,160 which was yet to be paid. Along with the written submissions, the school enclosed details of arrears paid and payable to the staff, which is as follows:

Period of Payment	Amount of arrears paid(Rs.)
September 2009 to March 2010	1,05,12,660
April 2010	3,56,513
Monthly installment from July 2010 to December 2012	16,74,000
Monthly installment from January 2013 to December 2013	13,39,200
Paid to retired staff in monthly installments	7,59,669
Total arrears actually paid	1,46,42,042
Balance arrears payable	63,16,160
Total liability of arrears	2,09,58,202

Also enclosed were copies of the ledger account of Salary (Arrears) for the following periods:

Period	Amount paid (Rs.)
01/04/2010 to 31/03/2011	3,56,513
01/04/2012 to 31/03/2013	6,38,822
01/04/2013 to 26/03/2014(entries from 08/04/2013 to 07/09/2013. Closing balance as on this date Rs. 1,72,769)	1,72,769

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ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Cambridge Foundation School, Rajouri Garden, New Delhi-110027

01/10/2013 to 26/03/2014 (with opening balance of 1,63,969 as on 01/10/2013 and closing balance of Rs. 2,18,369 as on 07/11/2013)	54,400
01/12/2013 to 31/12/2013 (opening balance Rs. 2,07,169 and closing balance Rs. 2,35,169)	28,000
01/01/2014 to 07/01/2014	28,000

- (b) The Committee ought to factor in the additional liability of gratuity and leave encashment which increased by Rs. 79,45,093 between 01/04/2008 to 31/03/2010. The liability of the school as on 31/03/2008 stood at Rs. 3,24,40,039 while as on 31/03/2010, it increased to Rs. 4,03,85,132. The school pays gratuity/leave encashment to the employees on resignation or retirement in monthly installments due to unavailability of sufficient funds.
- (c) The school needs to have reasonable reserve amounting to Rs. 1,27,88,612 which is equivalent to four months' salary.
- (d) The school is required to maintain reserve fund of 10% as per Rule 177 of Delhi School Education Rules, 1973.
- (e) If these factors are taken into consideration, the effect would be that the school was in deficit to the tune of Rs. 1,64,94,141 and with the paying student strength of 1800 in the year 2009-10, the school requires a further sum of Rs. 9,163 per student to meet the shortfall.

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COMMITTEE
for Review of School Fee 10

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Cambridge Foundation School, Rajouri Garden, New Delhi-110027

Discussion & Recommendation regarding tuition fee:

The Committee has considered the annual returns of the school, the information furnished by the school in response to the notices issued by the Committee, the reply to the questionnaire issued by the Committee, the preliminary calculation sheet prepared by the audit officer of the Committee and the submissions made before it by the representatives of the school.

As noticed supra, the school has been found to be tampering its books of accounts. Firstly it tried to show that it was maintaining a separate depreciation reserve account in the bank by making fictitious entries in its books. This resulted in showing a bank account in the balance sheets of the school which in fact does not exist. Then there was a huge difference of cash balance between its cash book and that reflected in the balance sheet. The school tried to explain it away as an accounting error. However, the Committee is of the view that mere accounting errors cannot result in difference in cash in hand as appearing in the books with that appearing in the balance sheet because cash has to be held physically and is not a mere book balance. Again, while submitting the ledger accounts of salary arrears, the following facts are noteworthy:

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For Review of School Fee

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- (a) The hearing of the school took place on 08/01/2014 but the ledger account already showed the period as 01/04/2013 to 26/03/2014, indicating that the school had made some post dated entries of 26/03/2014 in some accounts. The school uses TALLY software for its accounts and the period for which the accounts are generated is the date of last entry. This shows that the school was making entries in respect of transactions which had not even taken place.
- (b) The closing balance of salary arrears as on 07/11/2013 was Rs. 2,18,369 but the opening balance as on 01/12/2013 mysteriously got reduced to Rs. 2,07,169.

For all the above reasons, the Committee is of the view that no reliance can be placed on the accounts or audited balance sheets of the school, which appear to be fudged and do not reflect the true state of affairs of the school. Here the complaint of the parents association also assumes significance that the school is charging fee for certain activities without issuing receipts. For these reasons, the Committee cannot accept any of the submissions made by the school at their face value, howsoever weighty they may appear in the first instance. The Committee is therefore of the view that it is a fit case for special inspection to be conducted by the Director of Education. Therefore, the Committee refrains from undertaking any exercise to calculate the

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purported shortfall that arises to the school on implementation of VI Pay Commission report. In refraining from undertaking this exercise, the Committee is also guided by the fact that the school has not made full payment of arrear salary and is in fact making payment of paltry amounts every month, as per the school's own submission. The Committee is also appalled by the submission of the school that even the retirement dues like gratuity and leave encashment are not paid in lump sum but by way of monthly installments. This is something unheard of. In the face of this fact situation, the school wants the Committee to allow it to set aside funds for meeting these liabilities. The arrear salary and the gratuity and leave encashment being paid on monthly basis is being met out of the regular fee of the students and no funds are required to be set aside for this purpose.

Discussion & Recommendation regarding development Fee:

In reply to the questionnaire issued by the Committee, the school vide its reply filed on 08/01/2014 along with its written submissions, stated that it was charging development fee in all the five years for which the information was sought by the Committee. It submitted the following detail with regard to the receipt and utilisation of development fee:

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Cambridge Foundation School, Rajouri Garden, New Delhi-110027

Particulars	F.Y. 2006-07	F.Y. 2007-08	F.Y. 2008-09	F.Y. 2009-10	F.Y. 2010-11
Development fee received	<u>42,11,745</u>	<u>41,86,150</u>	<u>45,28,185</u>	<u>80,58,540</u>	<u>77,52,105</u>
Development fee utilised					
(a) For furniture fixture & equipments	21,04,352	17,87,138	15,86,148	21,72,136	20,90,480
(b) For school building	0	5,82,260			
(c) For repair & maintenance	21,50,113	18,50,000	19,50,000	17,75,000	31,25,070
(d) For staff salaries			9,36,800	40,96,000	23,34,400
(e) Total utilisation	42,54,465	42,19,398	44,72,948	80,43,136	75,49,950
Percentage of development fee utilised for purchase of furniture & equipments	49.96%	42.69%	35.03%	26.95%	26.96%

It was further mentioned the development fee was treated as a capital receipt but no separate development fund account was maintained. With regard to depreciation reserve fund, it was stated that the same was maintained but was not kept in an earmarked bank account or FDR or investment.

The Committee has examined the issue with reference to the audited financials of the school. The school became wiser only after the fudging of its accounts was detected by the Committee. As noticed supra, in the balance sheets of the school, a separate bank account for depreciation reserve fund account is reflected. However, when it

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COMMITTEE
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Cambridge Foundation School, Rajouri Garden, New Delhi-110027

was detected during the course of examination of records by the Committee that the school was not maintaining any such account and reflection in the balance sheet was the result of passing fictitious entries in the books, the school changed its tack and truthfully stated in the reply to the questionnaire that it was not maintaining any separate bank account for parking depreciation reserve fund. Moreover, as is apparent from the above table, the school was not utilizing the development fee for the specific purpose for which it was charged. It would noteworthy that the schools are permitted to charge development fee for purchase or upgradation of its furniture and fixtures & equipments only. Development fee is not supposed to be charged to meet the expenditure on repairs, maintenance and salaries to the staff. The above table shows that the school was utilizing its development fee mainly for meeting its revenue expenses. The utilisation for the permitted purposes was 49.96% in 2006-07 which progressively decreased to 26.96% in 2010-11. The Committee is therefore of the view that the development fee charged by the school was not in accordance with the law laid down by the Hon'ble Supreme Court in the case of Modern School (supra) and therefore the same was unjustified. As the Committee is mandated to examine the issue of fee charged by the school in pursuance of order dated 11/02/2009

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issued by the Director of Education, it is restricting its recommendations to the development fee charged in 2009-10 and 2010-11.

The Committee is of the view that the school ought to refund the development fee of Rs. 80,58,540 recovered by it in 2009-10 and Rs. 77,52,105 recovered in 2010-11, along with interest @ 9% per annum. However, in case the special inspection, which the Committee has recommended, culminates in a deficit on account of tuition fee, on implementation of VI Pay Commission report, the school can meet such deficit out of the development fee of 2009-10 and 2010-11, which the Committee has recommended to be refunded. Till such time, the special inspection is completed and the calculations of excess or deficit are made, the school ought to transfer a sum of Rs. 1,58,10,645 + interest @ 9% per annum, in a separate designated bank account to be available for refund to the students. Besides, it will be for the Director of Education to look into the aspect of development fee charged for the years 2006-07, 2007-08 and 2008-09 and passed appropriate order as the same was not utilised as per the decision of the Hon'ble Supreme Court in the case of Modern School (supra).

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

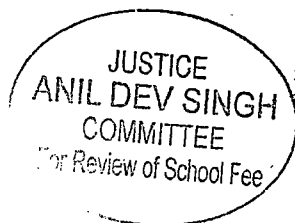
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K.Sharma
Member

Dated: 29/05/2014



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Secretary

Vijay Deep Public School, West Karawal Nagar, Delhi - 94

000323

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

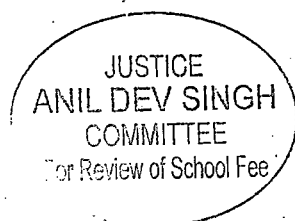
Vijay Deep Public School, West Karawal Nagar, Delhi - 94 000324

4. With a view to verify the returns, the Office of the Committee vide its notice dated 31.05.2013 required the school to appear on 19.06.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, no one appeared. The Committee vide notice dated 15.07.2013 directed the school to attend the Office of the Committee with complete record on 06.08.2013.

5. On 06.08.2013, Shri Pravesh Goswami, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school neither had implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -

(i). The school in 2009-10 has hiked the fee in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there had been no hike in fee.



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Secretary

(ii). The school has not implemented the recommendations of the 6th Pay Commission.

7. By notice dated 13.05.2014, the school was asked to appear on 04.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 04.06.2014, no one appeared on behalf of the school before the Committee in spite of the notice of hearing delivered to the school on 16.05.2014, as confirmed through India Post Tracking System.

9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	450	550	100	550	Nil
VI to VIII	500	600	100	600	Nil

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ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Vijay Deep Public School, West Karawal Nagar, Delhi - 94 000326

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was no hike in fee.

11. The school has not implemented the recommendations of the 6th Pay Commission.

12. As per the aforesaid returns of the school transmitted to this Office, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee for these classes, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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N
Secretary

Vijay Deep Public School, West Karawal Nagar, Delhi - 94 000327

Since no one on behalf of the school appeared before the Committee during the course of hearing, therefore, the original record of the school could not be examined by the Committee. Hence, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee more than what is disclosed before us and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

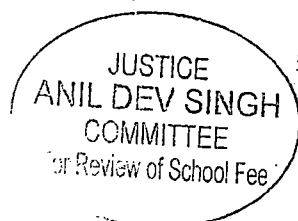
Dated:- 14.07.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.
4. With a view to verify the returns, the Office of the Committee vide its notice dated 17.07.2013, required the school to appear on 14.08.2013 and to produce entire accounting, fee and salary records for the years



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2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, Sh. U.K. Chatterjee, authorised representative of the school attended the office of the Committee and requested for some more time to produce the record. The school was directed to produce the record on 09.09.2013.

5. On 09.09.2013, Shri S.J. Choube, Chairman of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. 01.09.2009 and had hiked the fee w.e.f. 01.04.2009, in terms of the order of the Director of Education dated 11.02.2009. The school had also charged development fee.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school did not produce fee record for verification.
- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission.
- (iii). Salary to the staff had been paid through bearer cheques without deducting T.D.S. and Provident Fund.



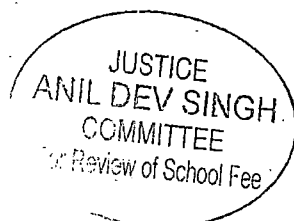
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Secretary

Bal Niketan Public School, Sangam Vihar, New-Delhi - 62 000330

- (iv). The school was provided opportunities to produce fee record on 25.09.2013 and 23.10.2013, but the same were not produced for verification.
7. By notice dated 13.05.2014, the school was asked to appear on 05.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 04.06.2014, no one appeared on behalf of the school before the Committee. However, a letter of request to adjourn the matter was received from the school. The school was provided another opportunity of hearing on 14.07.2014. Again no one appeared on the schedule date. The Office of the Committee again received a letter dated 10.07.2014 from the Chairman of the Society to extend the date of hearing. The Committee has perused the file and has observed that the school did not produce its fee record before the Audit Officer and has moved two successive adjournment applications before the Committee. It appeared to the Committee that the school was intentionally avoiding to produce its fee record before the Committee. Therefore, the request for further adjournment was rejected by the Committee.
9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from

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Bal Niketan Public School, Sangam Vihar, New-Delhi - 62

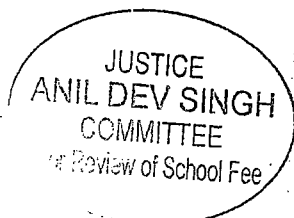
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the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
Pre-school	350	485	135	510	25
Pre-primary	400	540	140	570	30
I & II	450	595	145	630	35
III	500	650	150	690	40
IV	550	805	255	855	50
V	600	865	265	920	55
VI	750	1025	275	1090	65
VII	850	1135	285	1210	75
VIII	950	1245	295	1330	95
IX	1150	1565	415	1680	115
X	1250	1675	425	1780	105
IX	1350	1785	435	1785	Nil
XII-A	1200	1895	695	2020	125
XII-C	1450	1895	445	2020	125

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes in excess of the permissible limit mentioned in the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

11. The school has claimed to have implemented the recommendations of the 6th Pay Commission, but salary to the staff had been paid through bearer cheques without deducting TDS and PF. Therefore, its claim to



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Bal Niketan Public School, Sangam Vihar, New-Delhi - 62 000332

have implemented the recommendations of the 6th Pay Commission cannot be accepted by the Committee

12. As per the record, the school has charged development fee from the students at the rate of 10% of the tuition fee during the years 2009-10 and 2010-11.

RECOMMENDATION

Re. Fee Hike

Since the school has not only utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, but has charged fee in excess to the permissible limit provided in the aforesaid order without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee for these classes, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is



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Secretary

Bal Niketan Public School, Sangam Vihar, New-Delhi - 62

000333

relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Re.: Development Fee

The school has charged development fee from the students at the rate of 10% of the tuition fee during the years 2009-10 and 2010-11 and the same had been treated as revenue receipt and no separate depreciation reserve fund and development fund had been maintained.

In the circumstances, the Committee is of the view that the school was not complying with any of the pre-conditions prescribed by the Duggal Committee, which were affirmed by the Hon'ble Supreme Court in the case of Modern School Vs. Union of India & Ors. for collecting Development Fee. Therefore, the Development Fee charged by the school to the tune of Rs.34,01,749.00 during the years 2009-10 to 2010-11 in pursuance of the order of the Director of Education dated 11.02.2009 was not in accordance with law. This being so, the school ought to refund the aforesaid development fee along with interest @ 9% per annum from the date of its collection to the date of its refund.

033

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Bal Niketan Public School, Sangam Vihar, New-Delhi - 62 000334

Re.: Special Inspection

Since no one on behalf of the school appeared before the Committee during the course of hearing, therefore, the original record of the school could not be examined by the Committee. Hence, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee more than what is disclosed before us and collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 25/07/2014

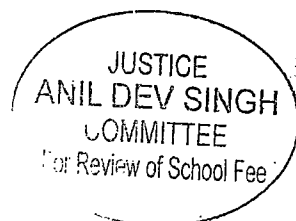


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High Rise Public School, Mohan Garden, New-Delhi - 59 000335

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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W
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4. With a view to verify the returns, the Office of the Committee vide its notice dated 01.07.2013, required the school to appear on 15.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 12.07.2013, the Office of the Committee received a letter from the Manager of the school requesting for some more time to produce the record. At its request, the school was directed to produce the record on 01.08.2013. On 31.07.2013, the Manager of the school further requested to extend the date for the verification of the record. The school was provided final opportunity to produce its record on 02.09.2013.

5. On 02.09.2013, Shri Virat Rajput, Manager of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2010 and had not hiked the fee, in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -



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- (i). The school has hiked the fee in 2009-10 by Rs.100/- per month in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the hike in fee had been within 10%.
- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission, but DA, HRA and TA were not paid as per prescribed norms.
7. By notice dated 15.05.2014, the school was asked to appear on 05.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 05.06.2014, no one appeared on behalf of the school before the Committee. However, the Office of the Committee received a telephonic message from the school seeking adjournment. At the request of the school, the matter was adjourned to 09.07.2014. On 09.07.2014, again no one appeared for hearing.
9. We have gone through the record, and observations of the Audit Officer of the Committee. The following chart, which is culled out from

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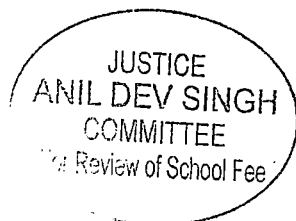
the available record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11: -

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	415	515	100	565	50
VI to VIII	480	580	100	630	50

10. From the above, it is manifest that the school has increased the fee during the year 2009-10 for all classes in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, there was hike in fee within the range of 10%.

11. The school has claimed to have implemented the recommendations of the 6th Pay Commission, but DA, HRA and TA were not paid as per prescribed norms. Therefore, the claim of the school to have implemented the recommendations of the 6th Pay Commission cannot be accepted by the Committee.

12. As per the record, the school has not charged development fee from the students.



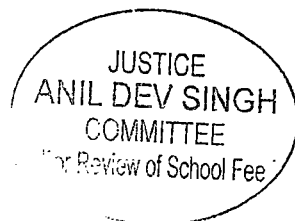
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Secretary

RECOMMENDATION**Re. Fee Hike**

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee in 2009-10, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

Further, the fee hiked in 2009-10 is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 ought also to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

TRUE COPY

N
Secretary

High Rise Public School, Mohan Garden, New-Delhi - 59 000340

Re.: Special Inspection

Since no one on behalf of the school appeared before the Committee during the course of hearing, therefore, the original record of the school could not be examined by the Committee. Hence, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee more than what is disclosed before us and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

**J.S. Kochar
Member**

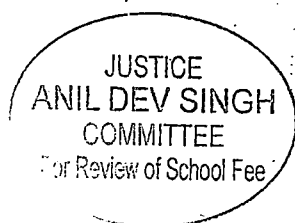
Sd/-

**Justice Anil Dev Singh (Retd.)
Chairperson**

Sd/-

**Dr. R.K. Sharma
Member**

Dated:-25.07.2014



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W
Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.



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W
Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 05.09.2012 required the school to appear on 17.09.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, no one appeared. The Committee vide notice dated 21.09.2012 directed the school to attend the Office of the Committee with complete record on 08.10.2012. Again, no one appeared on 08.10.2012 to produce the record.
5. The record, received from the concerned Deputy Director of Education of the Directorate of Education, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10, in the range of 8.33% to 22.22% for different classes. During 2010-11, the hike was by 8.24% to 18.18%.
 - (ii). The record of development fee was not available in the file.
6. By notice dated 12.12.2013, the school was asked to appear on 23.01.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the



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W
Secretary

Committee and for affording an opportunity of hearing to the school. The hearing was adjourned to 20.03.2014 with due intimation to the school.

7. On 20.03.2014, Mrs. Meenakshi Dimri, Vice-Principal with Shri Virender Dhyani, Accountant of the school appeared before the Committee. The representatives of the school filed written submissions contending that the report of 6th Pay Commission had not been implemented. The record of the school had never been verified earlier as the school never responded to the earlier notices, therefore, the Audit Officer of the Committee was asked to verify the record of the school.

8. On 21.04.2014, Mrs. Meenakshi Dimri, Vice-Principal with Shri Virender Dhyani, Accountant of the school attended the Office of the Committee. They filed reply to the questionnaire and also produced the record for verification. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

9. The record produced by the school was examined by Mrs. Sunita Nautiyal, A.A.O., of the Committee. She observed to the effect that: -

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

TRUE COPY

W
Secretary

Shri Guru Ram Rai Public School, Najafgarh, New Delhi - 43 000344

- (i). The school produced fee receipts, cash book and ledger accounts (maintained manually) for the years from 2008-09 to 2010-11, but did not produce balance sheets for the aforesaid period. On query, the school representatives conceded that the same had not been prepared by their C.A. The C.A., of the school had not audited the accounts of the school and had provided a compilation certificate only.
- (ii). The school has hiked the tuition fee in 2009-10 and 2010-11 by 10%, except for classes IX and X, wherein the hike had been by 22% in 2009-10 and by 18% in 2010-11.
- (iii). The school did not have any bank account and all transactions of fee receipts and payments are incurred in cash.
- (iv). The school has sought aid from the Society for the payment of salary to the staff.

10. By notice dated 02.05.2014, the school was asked to appear on 15.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording another opportunity of hearing to the school.



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W
Secretary

Shri Guru Ram Rai Public School, Najafgarh, New Delhi - 43 000345

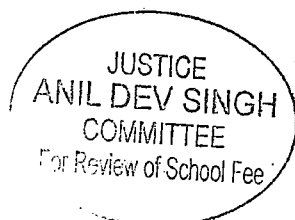
11. On 15.05.2014, Mrs. Meenakshi Dimri, Vice-Principal with Shri Virender Dhyani, Accountant of the school appeared before the Committee. The representatives of the school conceded that the school did not prepare any balance sheet for 2009-10 and 2010-11. The cash book and ledger produced before the Committee contained consolidated monthly entries. It was conceded that the school did not maintain any bank account. It was contended that the school neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. With regard to development fee, it was stated by the school that the same was not been charged from the students.

12. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to II	270	300	30	330	30
III	270	300	30	360	60
IV to V	300	325	25	360	35
VI to VIII	375	425	50	460	35
IX and X	450	550	100	650	100

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NV
Secretary

Shri Guru Ram Rai Public School, Najafgarh, New Delhi - 43

000346

13. From the above, it is manifest that the school has increased the fee during the year 2009-10 for classes IX to X, in terms of the order of the Director of Education dated 11.02.2009. But, for other classes, the hike had been nearly 10%. During 2010-11, the fee hike except for classes IX and X had been about 10%.

14. The school has not implemented the recommendations of the 6th Pay Commission.

15. As per the record filed before us, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee for classes IX and X, without implementing the recommendations of 6th Pay Commission, we are of the view that the increase in fee for these classes, in excess of the tolerance limit of 10%, was unjustified. Therefore, the Committee recommends that the fee hike effected by the school in the year 2009-10 in excess of 10% ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

Shri Guru Ram Rai Public School, Najafgarh, New Delhi - 43

000347

Since, the fee hiked in 2009-10 in respect of classes IX and X is also part of the fee for the subsequent years, there would be a ripple effect in the subsequent years and the fee of the subsequent years to the extent, it is relatable to the fee hiked in 2009-10 for classes IX and X ought to be refunded along with interest @9% per annum from the date of its collection to the date of its refund.

The school did not produce complete record before the Committee for its verification therefore; the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee more than what is disclosed before us and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:- 30.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member



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[Signature]
Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

Aristotle Public Sr. Sec. School, Qutabgarh, Delhi - 110 039 000349

4. With a view to verify the returns, the Office of the Committee vide its notice dated 03.08.2012 required the school to appear on 21.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 21.08.2012, Shri K.D. Bhardwaj, Manager and Shri Dinesh Kumar, Principal of the school appeared before the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2011 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10, in range of Rs.50/- to Rs.100/- for different classes. During 2010-11, the hike was within 10%.
 - (ii). The school claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. April, 2011, but H.R.A had not been paid to the staff.

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Senary

Aristotle Public Sr. Sec. School, Outabgarh, Delhi - 110 039 000350

7. By notice dated 02.04.2014 the school was asked to appear on 28.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 28.04.2014, Shri K.D. Bhardwaj, Manager and Shri Hemant Bhardwaj, Vice-Principal of the school appeared before the Committee. The representatives of the school filed a letter dated 28.04.2014 in reply to Committee's notice dated 02.04.2014. However, the letter of the school did not reply to any of the queries raised by the Committee. The school has also not filed reply to the questionnaire regarding development fee. The fee schedule of the school shows that the school has charged development fee of Rs.200/- per student per annum. However, the representatives claimed verbally that the students did not pay the development fee.
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school.
10. The school failed to produce the books of accounts for verification, before the Committee during the course of hearing. In the absence of



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W
Secretary

original record, the claim of the school that the report of the 6th Pay Commission has been implemented and the school has not hiked the fee in terms of the order of the Director of Education dated 11.02.2009, cannot be accepted by the Committee. The school representatives verbally denied the collection of development fee, but as per record of the school, it has charged development fee @ Rs.200/- per student per annum from the students.

RECOMMENDATION

Re. Fee Hike

Since, the school failed to produce the records before the Committee for verification during the course of hearing, therefore its claim to have implemented the recommendations of the 6th Pay Commission and has not hiked the fee is difficult to believe by the Committee. Further, the verbal denial of the school to have not charged development fee, whereas, as per the record the school has charged the same also cannot be believed. In the circumstances, the Committee is of the view that Director of Education should order a special inspection of the school, as per the rules to ascertain the true state of affairs of the school.

JUSTICE
ANIL DEV SINGH
COMMITTEE
Review of School Fee

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W
Secretary

Aristotle Public Sr. Sec. School, Qutabgarh, Delhi - 110 039. 000352

In case after inspection, it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

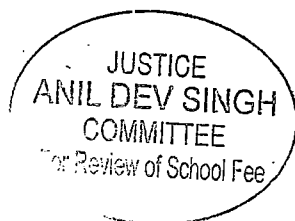
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: - 12.05.2014



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W
Secretary

Shakti Mandir Premwati Public School, Darya Ganj, New Delhi - 02

000353

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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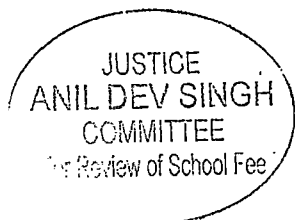
Secretary

Shakti Mandir Premwati Public School, Darya Ganj, New Delhi - 02

000354

4. With a view to verify the returns, the Office of the Committee vide its notice dated 08.08.2012 required the school to appear on 27.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. The aforesaid notice of the Committee was received back in the Office with the postal remark that the address was incorrect. The school through a fresh notice dated 30.08.2012, sent at the correct address and also by an email was again directed to produce its records on 30.08.2012. No one attended the Office of the Committee on the scheduled date. However, Shri Dharamvir Singh Chauhan, Accountant of the school attended the Office of the Committee on 14.09.2012, with the request to grant some more time for the verification of the records. At the request of the representative, the school was directed to present its records on 20.09.2012.

5. On 20.09.2012, Shri Dharamvir Singh Chauhan, Accountant of the school attended the Office of the Committee but did not produce the complete record for verification. Reply to the questionnaire was filed. As per the reply, the school had implemented the report of the 6th Pay Commission w.e.f. July, 2009 and had hiked the fee w.e.f. April, 2009 in terms of the order of the Director of Education dated 11.02.2009. The



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Secretary

Shakti Mandir Premwati Public School, Darya Ganj, New Delhi - 02

000355

representative of the school was given a fresh opportunity to produce the complete financials of the school on 26.09.2012.

6. On 26.09.2012, Shri Dharamvir Singh Chauhan, Head Clerk of the school attended the Office of the Committee and produced the record. The record produced by the school, in the first instance, was examined by Shri A.K. Vijn, the Audit Officer of the Committee. He observed to the effect that:-

- (i). The school had hiked tuition fee in 2009-10 in the range of 19.28% to 20.14%. During 2010-11, the hike had been below 10%.
- (ii). The school had claimed to have implemented the report of the 6th Pay Commission w.e.f. July, 2009, but arrears of salary had not been paid to the staff.
- (iii). The school was having around 12 teachers on contractual basis. However, the school did not furnish salary payment register in respect of these teachers for verification.
- (iv). The school had collected development fee to the tune of Rs.5,86,000/- during 2009-10 and Rs.6,41,000/- in 2010-11.
- (vi). The school had shown in its account books, loan from Shakti Shiksha Nyas to the tune of Rs.13,91,672.81 in 2008-09 and



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W
Secretary

Shakti Mandir Premwati Public School, Darya Ganj, New Delhi - 02

000356

Rs.14,00,497.81 in 2009-10. Further, the school had shown in its account books, refund of loan to the tune of Rs.14,00,497.81 in the year 2010-11 to the same Society, but simultaneously, an amount of Rs.61,39,810.19 had been shown as 'recoverable advance' from the same Society. However, the school failed to produce details of such transactions.

7. By notice dated 02.04.2014, the school was asked to appear on 30.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11, for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 30.04.2014, no one appeared before the Committee for the hearing in spite of the notice of hearing delivered to the school on 03.04.2014, as confirmed by India Post Tracking System.
9. We have gone through the record and observations of the Audit Officer of the Committee.

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

Shakti Mandir Premwati Public School, Darya Ganj, New Delhi - 02

000357

Discussion and Recommendations

Re. Fee Hike

We were not able to verify the record of the school as it fails to appear before us on 30.04.2014. In the absence of the original record, the claim of the school to have implemented the report of the 6th Pay Commission cannot be relied upon. Therefore, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

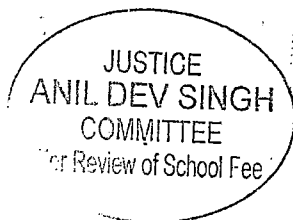
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated : - 13.05.2014



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Secretary

Adarsh Lakhpatt Model Sec.School,Khajoori Khas, Delhi-92

000358

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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W
Secretary

Adarsh Lakhpat Model Sec.School,Khajoori Khas, Delhi-92

000359

4. With a view to verify the returns, the Office of the Committee vide its notice dated 15.07.2013 required the school to appear on 05.08.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 05.08.2013, Sh. Chirag Chaudhary, representative of the school attended the Office of the Committee and produced record along with the reply to the questionnaire. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2009 and hiked the fee in terms of the order of the Director of Education dated 11.02.2009 from the same date.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school has increased tuition fee in 2009-10 by Rs.100/-, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the school had hiked fee by Rs.54/- to Rs.100/- for different classes.
- (ii). The school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2009.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

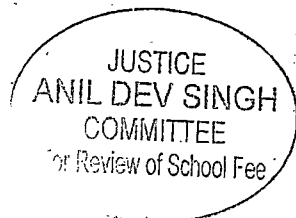
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Secretary

Adarsh Lakhpat Model Sec.School,Khajoori Khas, Delhi-92

.. 000360

- (iii). The school did not deduct T.D.S. from the salary of the staff.
- (iv). On examination of the record, it has been noticed that most of the staff had been shown on leave without pay.
7. By notice dated 13.05.2014 the school was asked to appear on 02.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 02.06.2014, Shri Chirag Chaudhary, Manager and Sh. Udit Sharma, P/T Accountant of the school appeared before the Committee. They contended that:-
- (i) the fee, as shown in the record is not actually recovered and in actual fact the fee was not hiked in terms of the order of the Director of Education dated 11.02.2009.
- (ii) T.D.S. had not been deducted from the salary for the reason that most of the staff remained on leave without pay.
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.



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Page 3 of 4

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Secretary

Discussion and RecommendationsRegarding Tuition Fee: -

The assertions of the school representatives before the Committee, during the course of hearing are sufficient reasons for not relying upon the record of the school. Therefore, in the absence of the reliable record, we are unable to arrive at any finding with regard to the issue of fee hike. In the circumstances the Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

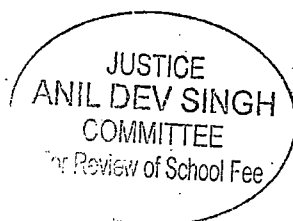
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014

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[Signature]
Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Page 1 of 4

Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 18.07.2013 required the school to appear on 19.08.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On 19.08.2013, the Office of the Committee received a letter dated 17.08.2013 from the Vice-Principal of the school requesting for some more time to submit the required record due to sudden demise of the Chairman of the school. The school was directed to produce its record on 09.09.2013.

5. On 09.09.2013, Shri Diwakar Bhardwaj, LDC of the school attended the Office of the Committee but did not produce any record and requested for one more opportunity to produce the record. The school was directed to produce the record on 25.09.2013. On 25.09.2013, the Office of the Committee received mail from the school requesting for some more time to submit the record of the school before the Committee. The Office of the Committee vide mail dated 25.09.2013 provided last opportunity to the school to produce its record on 01.10.2013 for verification.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

D.H.M. Public School, Dhichaon Kalan, Najafgarh, New Delhi- 43

000364

6. On 01.10.2013, Shri D.K. Bhardwaj, school representative attended the Office of the Committee and produced record along with the reply to the questionnaire. As per the reply, the school has implemented the recommendations of the 6th Pay Commission w.e.f. January, 2006 and has increased the fee in terms of the order of the Director of Education dated 11.02.2009, w.e.f. 29-03-2010. However, no arrear of fee and development fee had been collected from the students.
7. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had not increased tuition fee in 2009-10 and 2010-11.
 - (ii). The benefit of 6th Pay Commission had been extended to all the staff w.e.f. April, 2009.
 - (iii). The school was receiving aid from the DHM Society from 2008-09 to 2010-11.
 - (iv). The school did not deduct TDS from the salary of the staff as most of the staff remained without pay.
8. By notice dated 13.05.2014 the school was asked to appear on 02.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.



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D.H.M. Public School, Dhichaon Kalan, Najafgarh, New Delhi- 43

000365

9. On 02.06.2014, no one on behalf of the school appeared before the Committee in spite of the notice of hearing delivered to the school on 16.05.2014, as confirmed through India Post Tracking System.

Discussion and Recommendations

Re. Fee Hike

The school failed to produce its record before the Committee for examination, as no one appeared before the Committee during the course of hearing. In the absence of the original record, we are unable to arrive at any finding with regard to the issue of fee hike. Therefore, Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiably, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:- 23.07.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

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Page 4 of 4



Secretary

P.D. Model Sec. School, Paschimi Friends Enclave, Sector-6,

Sultanpuri Road, Delhi - 86

.. 000366

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



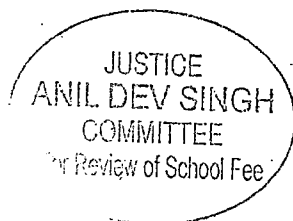
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Secretary

P.D. Model Sec. School, Paschimi Friends Enclave, Sector-6,
Sultanpuri Road, Delhi - 86

000367

4. With a view to verify the returns, the Office of the Committee vide its notice dated 19.07.2013 required the school to appear on 21.08.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 21.08.2013, Sh. Yutin Nimbhle, Manager of the school attended the Office of the Committee and requested for some more time to produce the record. At his request, the school was granted opportunity to produce the record on 19.09.2013.
6. On 19.09.2013, Shri Mange Ram, Chairman of the Society and Shri Yutin Nimbhle, Manager of the school attended the Office of the Committee and produced record along with the reply to the questionnaire. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. October, 2010 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged the development fee.
7. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -



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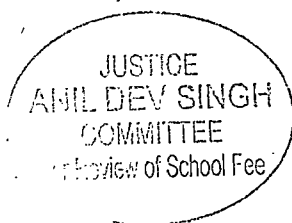
W
Secretary

P.D. Model Sec. School, Paschimi Friends Enclave, Sector-6,

000368

Sultanpuri Road, Delhi - 86

- (i). The school has increased tuition fee in 2009-10 by 8.10% to 32%.
 - (ii). On examination of salary register, it was observed that salary did not appear to have been recorded as the actual salary paid to the staff as some of the staff members have signed acknowledgement of receipt of the salary, when no salary has actually been paid to them.
 - (iii). The Chairman of the school has conceded that the recommendations of the 6th Pay Commission had not been fully implemented as the school is located at a place which caters education to the children belonging to Slum and JJ clusters.
 - (iv). The Chairman also has conceded that the original record of the school were not available as the same were weeded out after their audit and the record produced before the Committee had been freshly prepared.
8. By notice dated 13.05.2014 the school was asked to appear on 02.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.



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Secretary

P.D. Model Sec. School, Paschimi Friends Enclave, Sector-6,

Sultanpuri Road, Delhi - 86

.. 000369

9. On 02.06.2014, Shri Mange Ram, Chairman of the Society and Shri Yutin Nimbhle, Manager of the school appeared before the Committee. It was initially contended that the recommendations of the 6th Pay Commission had been implemented w.e.f. October, 2010, prospectively. On examination of the record by the Committee, it was noticed that the total salary expenditure in 2010-11, increased to about 100% from 2009-10, that appeared to be highly abnormal. The representatives of the school were confronted with this fact and the observations of the Audit Officer of the Committee. They conceded that the implementations of the recommendations of the 6th Pay Commission was shown only in papers. With regard to fee hike, the representatives contended that the fee schedule, as filed before the Committee were not correct. They further contended that the school did not charge development fee.

10. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

Discussion and Recommendations

Regarding Tuition Fee: -



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Secretary

P.D. Model Sec. School, Paschimi Friends Enclave, Sector-6,
Sultanpuri Road, Delhi - 86

000370

The assertions of the school representatives before the Committee, during the course of hearing that the fee schedules filed by the school before the Committee were not correct and the recommendations of the 6th Pay Commission have also been implemented in papers, are sufficient reasons for not relying upon the record of the school. Therefore, in the absence of the reliable record, we are unable to arrive at any finding with regard to the issue of fee hike. In the circumstances, the Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

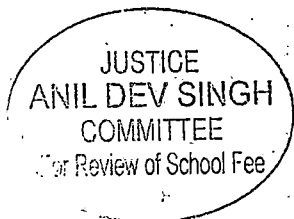
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014



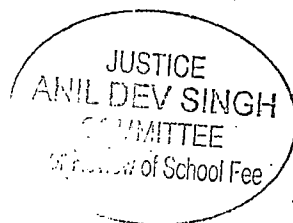
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Secretary

Raj Shree International Public School, Karawal Nagar, Delhi 94

000371

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

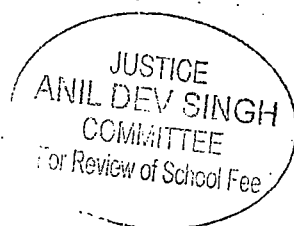
Raj Shree International Public School, Karawal Nagar, Delhi 94

000372

4. With a view to verify the returns, the Office of the Committee vide its notice dated 10.07.2013 required the school to appear on 29.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. The Office of the Committee received a letter dated 29.07.2013 from the school, requesting for some more time to produce the record. The school was directed to produce the record on 03.09.2013.

5. On 03.09.2013, Sh. Sudhish Kumar, LDC of the school attended the Office of the Committee and requested for some more time to produce the record before the Committee. At the request of the school representative, the school was directed to produce the record on 17.09.2013. On 17.09.2013, Ms. Neera Sharma, Assistant Teacher of the school attended the Office of the Committee and requested to extend the date for verification of the record. The school was provided final opportunity to produce the record on 01.10.2013. But, on 01.10.2013, the Manager of the school vide its letter of even date again made a request for extending the date for verification of the record. The school was provided fourth opportunity to produce the record on 24.10.2013. No one again attended the Office of the Committee on 24.10.2013. However, on 28.10.2013, the school representative attended the Office of

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Secretary

Raj Shree International Public School, Karawal Nagar, Delhi 94

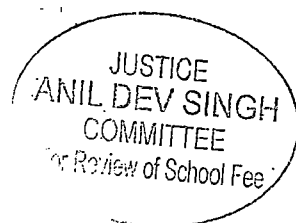
000373

the Committee but did not produce any record. The school was given last opportunity to produce its record on 13.11.2013.

6. On 13.11.2013, Sh. Sudhish Kumar, LDC of the school attended the Office of the Committee and produced some record. The reply to the questionnaire was also filed. As per the reply, the school neither had implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school also did not charge development fee.

7. The record, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -

- (i). The school has increased tuition fee in 2009-10 and 2010-11 by Rs.150/- per month for all classes, which was less than 10%.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.
- (iii). The school did not deduct T.D.S. from the salary of the staff.
- (iv). The school did not produce cash book and ledger, therefore the record of the school could not be verified properly.



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Secretary

8. By notice dated 13.05.2014 the school was asked to appear on 02.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
9. On 02.06.2014, Shri Sudhish Kumar, LDC / authorised representative of the school appeared before the Committee. He contended that the cash book and ledger has been stolen. He filed copies of two letters dated 11.10.2008 and 20.04.2009 addressed to the SHO, Karawal Nagar, Delhi, informing theft of some furniture and equipment of the school. On examination of the Police report, it was noticed by the Committee that there was no mention of any theft of books of accounts in the aforesaid letters. The school did not produce its books of accounts for 2009-10 and 2010-11, which in any case, could have not been stolen on 20.04.2009, the date on which the report of theft was filed with the Police station. The school representative could not produce copy of FIR recorded by the police authorities.
10. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.



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Secretary

Raj Shree International Public School, Karawal Nagar, Delhi 94

000375

Discussion and RecommendationsRegarding Tuition Fee: -

The school failed to produce its complete record, not only before the Audit Officer of the Committee for verification, but also before the Committee during the course of hearing. The contention of the school that the record had been stolen is hard to believe as the school filed the complaints to the concerned Police Station on 11.10.2008 and 20.04.2009, but the record of the financial years 2009-10 and 2010-11 could not have been stolen in 2008 and 2009. The school representative produced before the Committee copies of letters dated 11.10.2008 and 20.04.2009 addressed to the SHO, Karawal Nagar Police Station intimating theft in the school, but could not produce copy of FIR registered by the police authorities.

Therefore, in the absence of the record, we are unable to arrive at any finding with regard to the issue of fee hike. In the circumstances, Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

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Secretary

Raj Shree International Public School, Karawal Nagar, Delhi 94

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 14.07.2014



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Secretary

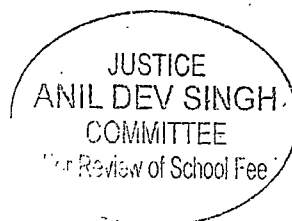
1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 10.07.2013 required the school to appear on 25.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 25.07.2013, Ms. Deepti, Consultant/Authorized representative of the school attended the Office of the Committee and produced some record along with the reply to the questionnaire. As per the reply, the school had, neither implemented the recommendations of the 6th Pay Commission, nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had not increased tuition fee in 2009-10. During 2010-11, the school had hiked fee by Rs.60/- for all classes which was with the tolerance limit of 10%.
- (ii). The school did not produce fee receipt or fee register, therefore, the actual hike in fee could not be verified.



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Secretary

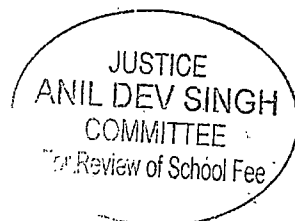
(iii). The salary to the staff was paid on consolidated basis. However, school did not produce salary registers therefore; the actual payment of salary could not be verified.

(iv). The school did not produce cash book and ledger and stated that the same had not been maintained.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, Shri Satish Kumar, Principal and Shri C.B. Mishra, Office Assistant of the school appeared before the Committee. They produced fee receipt, which on examination appeared to be freshly prepared. On questioning, they conceded that the same had been freshly prepared and the amount of fee shown to have been recovered was not actually paid by the students. They also stated that the inflated fee had been shown to cover-up the expenses of the school.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.



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Secretary

Discussion and Recommendations**Regarding Tuition Fee: -**

The school failed to produce the complete record of the school, not only before the Audit Officer of the Committee at the time of verification of record, but also before the Committee during the course of hearing. The Committee is of the view that in the absence of the complete record, it is not possible to arrive at any finding with regard to the issue of fee hike. Therefore, Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

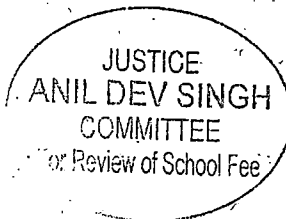
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014

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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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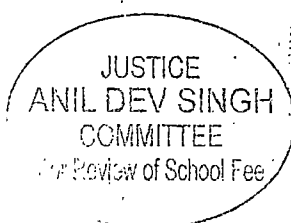


Secretary

4. With a view to verify the returns, the Office of the Committee vide its notices dated 01.07.2013 required the school to appear on 12.07.2013 to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. No one attended the Office of the Committee on the scheduled date. However, on 01-08-2013, one representative of the school submitted a letter from the Principal of the school requesting another date for the verification of the record. At the request of the school, final opportunity to produce the record on 08-08-2013 was provided to the school.

5. On 08.08.2013, Ms. Deepti Jain, Member (MC) of the school attended the Office of the Committee and produced the record. Reply to the questionnaire was also filed. As per the reply, the school had partially implemented the recommendations of the 6th Pay Commission w.e.f. 01.04.2010 and had not hiked the fee, in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -



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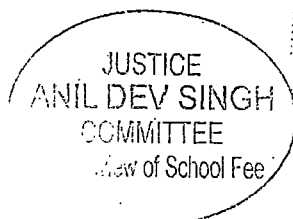
Secretary

B.S.M. Public School, Anand Pur Dham, Karala, Delhi - 81 .. 000383

- (i). The school has hiked the fee in 2009-10 by Rs.25/- to Rs.100/- for different classes. During 2010-11, the hike in fee was by Rs.30/- to Rs.70/- for different classes.
- (ii). The school has claimed to have implemented the recommendations of the 6th Pay Commission partially w.e.f. 01-04-2010, as only basic and grade pay had been paid to the staff.
- (iii). Salary to the staff had been paid in cash without deducting T.D.S.
- (iv). The school claimed to have deducted Provident Fund, but could not produce documentary evidences in support of its claim.

7. By notice dated 19.06.2014, the school was asked to appear on 14.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 14.07.2014, Ms. Deepti, Scout / Guide teacher of the school appeared before the Committee, but did not produce any record. She filed a copy of First information report No.430/2014 dated 29-05-2014, lodged with the SHO, Crime Branch of Delhi Police intimating loss of school record on 19.04.2014. On perusal of salary statements filed by the school at the time of verification of record conducted by the Audit



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W
Secretary

B.S.M. Public School, Anand Pur Dham, Karala, Delhi - 81. 00038A

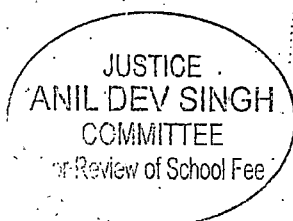
Officer of the Committee, it was noticed by the Committee that the school had implemented the recommendations of the 6th Pay Commission only on paper as none of the staff members was paid salary for the entire month.

9. We have gone through the available record, submission of the school representative and observations of the Audit Officer of the Committee.

Discussion and Recommendations

Re; Tuition Fee

The assertions of the school representative before the Committee, during the course of hearing that the school is not in a position to provide original record of the school as the same has been lost and the recommendations of the 6th Pay Commission have also been implemented on paper, are sufficient reasons for not relying upon the available record of the school. Therefore, in the absence of the original record, we are unable to arrive at any finding with regard to the issue of fee hike. In the circumstances, the Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.



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W
Secretary

B.S.M. Public School, Anand Pur Dham, Karala, Delhi - 81 000385

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 25.07.2014

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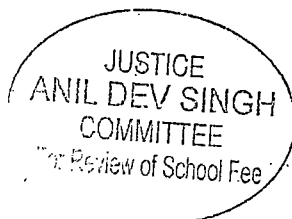


Secretary

Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43

000386

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.



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Secretary

Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43

000387

4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.07.2012 required the school to appear on 24.07.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, no one appeared. The Committee vide final notice dated 06.08.2012 directed the school to attend the Office of the Committee with complete record on 23.08.2012.

5. On 23.08.2012, the Manager of the school attended the Office of the Committee and requested for one more opportunity to produce the record. However, he filed reply to the questionnaire. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission but had hiked the fee in 2009-10 by 10% to 15%. The school was directed to produce the record for verification on 03.09.2012. No one attended the Office of the Committee on the scheduled date.

5. The record, received from the concerned Deputy Director of Education of the Directorate of Education, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -



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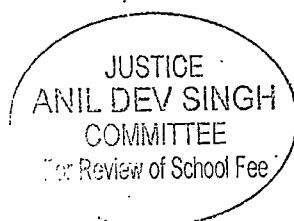
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Secretary

Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43

000388

- (i). The school had increased the tuition fee in 2009-10, within the range of 9.52% to 10% for different classes. During 2010-11, the hike was by 21.74% to 91.67% for different classes.
- (ii). The record of development fee was not available in the file.
6. By notice dated 12.12.2013, the school was asked to appear on 23.01.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school. The hearing was adjourned to 28.03.2014 with due intimation to the school.
7. On 28.03.2014, Shri Randhir Singh Malik, Manager with Shri Rakesh Aggarwal, Accountant of the school appeared before the Committee. The representatives of the school conceded that the recommendations of the 6th Pay Commission had not been implemented. Since the record of the school had not been verified earlier as the school never responded to the earlier notices, the Audit Officer of the Committee was asked to verify the record of the school.



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Secretary

Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43

000389

8. On 15.04.2014, Shri Randhir Singh Malik, Manager with Shri Rakesh Aggarwal, Accountant of the school attended the Office of the Committee and produced the record. The record produced by the school was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school produced the fee receipt books for the years from 2008-09 to 2010-11. On examination of the fee receipt books, it was noticed that the fee structure filed by school under rule 180 of DSER Act, 1973 to the Directorate of Education did not match with the fee receipt books. The Manager of the school also filed revised fee structure based on fee receipt books.
- (ii). According to the revised fee structure the school had hiked the fee in 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11, the fee hike had been within the permissible limit of 10%. On comparing the fee structure filed by the school before the Department as a part of Returns under rule 180 of DSER-1973, in 2011, it was noticed, that the fee structure was on higher side than that filed now.
- (iii). The school had not implemented the recommendations of the 6th Pay Commission.



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Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43

000390

(iv). The school had not collected development fee from the students.

10. By notice dated 02.05.2014, the school was asked to appear on 12.05.2014, along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording another opportunity of hearing to the school.

11. On 12.05.2014, no one on behalf of the school appeared before the Committee.

12. We have gone through the record and observations of the Audit Officer of the Committee. The school has filed two different fee structures. The fee structure filed by the school on 01.11.2011 before the Deputy Director of Education (Act branch) as a part of Returns under Rule 180 of DSER, 1973 is on the higher side than that of the revised fee structure filed by the school on 15.05.2014 before the Audit Officer of the Committee. Therefore, fee record of the school cannot be relied upon.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

Spring Fields Convent School, Ranaji Enclave, Najafgarh, Delhi-43.

000391

14. As claimed by the school, it has not implemented the recommendations of the 6th Pay Commission and as per the record filed before us, has also not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since two different fee structures have been filed by the school no reliance can be placed on the record filed by it. No one appeared before the Committee at the time of hearing to explain the conflicting fee structure filed by the school. In the circumstances, therefore, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

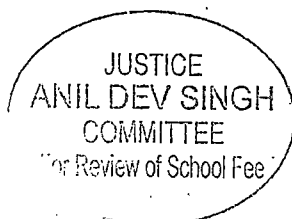
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-30.05.2014



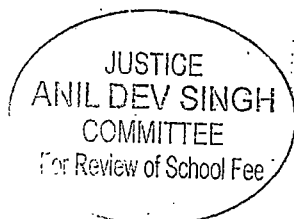
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N
Secretary

J.M. Model Public School, Bhajanpura, Delhi - 53

000392

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 28.09.2012 requested the Director of Education to made available the financials of the school to the Committee.
4. In response to the aforesaid letter of the Committee, the Office of the Committee received a copy of a letter dated 11.10.2012 from the



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W
Secretary

Deputy Director of Education, District North-East of Directorate of Education, addressed to the Assistant Director of Education (Act branch), Directorate of Education, Old Sectt., Delhi stating that in spite of issuing memorandum dated 26.05.2012 and show cause notice dated 13.06.2012, the school authorities had not furnished requisite documents as desired by the Committee.

5. The Committee has not received any communication or any record of the school from the Department of Education, till date. It has also not received any record from the school.

6. In the circumstances, the Committee is of the view that the Director of Education should order special inspection of the school particularly to ascertain the facts regarding fee hike in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014

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Page 2 of 2



Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 again requested the Deputy Director of Education, District East, to made available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.



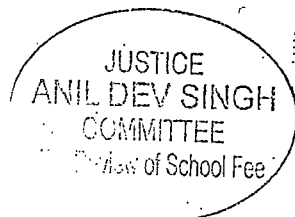
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Secretary

Bharat Bharti Public School, Shakarpur Extn. Delhi-92 000395

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 made a request to the Director of Education to make available the record of the school but to no avail.
5. The Manager of the school, vide notice of the Committee dated 21.01.2014 was directed to produce the record for verification on 13.02.2014. No one attended the Office of the Committee on the scheduled date. The Office of the Committee received a letter dated 24.02.2014 from the Principal of the school requesting for some more time to produce the record for verification. According to the quest, the school was directed to produce its record on 19.03.2014. Again, no one attended the Office of the Committee on 19.03.2014. However, on 07.04.2014, the Office of the Committee received a letter from the Manager of the school requesting for 15 days further time to present the record of the school. The school vide Committee's notice dated 11.04.2014 was provided final opportunity to produce its record on 23.04.2014.
6. On 23.04.2014, Shri A.S. Vats, representative of the school attended the Office of the Committee and requested for more time to

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Secretary

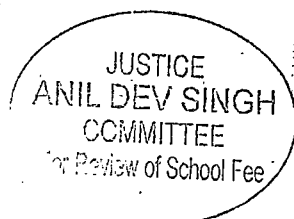
Bharat Bharti Public School, Shakarpur Extn. Delhi-92 000396

produce the record for verification. The school was provided last opportunity to produce the record on 08.05.2014.

7. On 08.05.2014, Shri Kishan Singh, Caretaker of the school attended the Office of the Committee and produced record and reply to the questionnaire. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

8. The record submitted by the school, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -

- (i). The school was not in the practice of filing annual returns to the Department, under rule 180 of DSER, 1973.
- (ii). The school had increased tuition fee by 7% in the years 2009-10 and 2010-11.
- (iii). The school did not maintain proper books of accounts. The financials produced by the school were found unaudited and had only been signed by the Principal of the school.
- (iv). The school did not have any bank account and all transaction are made in cash.



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Secretary

9. The Committee has perused the observations of the Audit Officer as well as the submissions and related documents filed by the school. The Committee notes that the school has not been filing the annual returns under rule 180 of DSER, 1973 and does not even get its accounts audited.

Recommendations: -

In view of above, the Committee is of the view that in the absence of the proper record, we are unable to arrive at any finding with regard to the issue of fee hike. Therefore, Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member
Dated: - 29.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

JUSTICE
ANIL DEV SINGH
COMMITTEE
Review of School Fee

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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 requested the Deputy Director of Education, District East, Anand Vihar, Delhi to made available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 made a request to the Director of Education to made available the record of the school. The Committee received no response from the Office of the Director of Education.

5. The Manager of the school vide notice dated 21.01.2014 and subsequent reminder on 21.04.2014 was directed to produce the record for verification. No one on behalf of the school attended the Office of the Committee and also did not submit any record.

6. In view of non-availability of the record and also non-compliances of the notices of the Committee, the Committee is of the view that the Director of Education should conduct special inspection of the school particularly to ascertain the facts regarding fee hike, if any, in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:-15.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 requested the Deputy Director of Education, District East, Anand Vihar, Delhi to make available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.



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W
Secretary

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 made a request to the Director of Education to made available the record of the school. The Committee received no response from the Office of the Director of Education.
5. The Manager of the school vide notice dated 21.01.2014 and subsequent reminder dated 21.04.2014 was directed to produce the record for verification. Both the notices came back with the remarks of the post office that the door was found locked.
6. **In view of non-availability of the record and non-compliance of the notices of the Committee by the school, the Committee is unable to make any recommendation with regard to the aspect of hike in fee if any, by the school. In the circumstances it is for the Director of Education to conduct special inspection of the school to ascertain actual state of affairs.**

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014



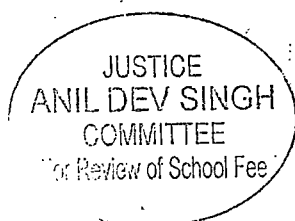
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Secretary

Monalisa Public School, Pratap Nagar, Mayur Vihar-I, Delhi-92

000402

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school did not implement the recommendations of the sixth pay commission and also did not increase the fee in terms of the order of the Director of Education dated 11-02-2009. In this view of the matter the school was placed in category 'C'.



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W
Secretary

Monalisa Public School, Pratap Nagar, Mayur Vihar-I, Delhi-92

000403

4. With a view to verify the returns, the Office of the Committee vide its notice dated 21.01.2014 required the school to appear on 19.02.2014 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. No one attended the Office of the Committee on 19.02.2014. However, the Office of the Committee received a letter from the Manager of the school enclosing copies of audited balance sheet along with ITR, fee register and teacher salary computation record of the school. The Committee vide notice dated 06.03.2014 directed the school to produce original record on 20.03.2014 for verification. On 20.03.2014, Mrs. Saroj Sharma, Principal and Mrs. Neelam Tomar, Assistant Teacher of the school attended the Office of the Committee. The representatives did not bring complete record and requested for another date to produce the same. At the request of the school representatives the school was directed to produce the original record on 25.03.2014. On 25.03.2014, Mrs. Saroj Sharma, Principal of the school appeared in the Office of the Committee at 03.40 P.M. Being late, she was advised to attend the Office on 27.03.2014 at 01.30 P.M. On 27.03.2014, Mrs. Saroj Sharma, Principal of the school attended the Office of the Committee and did not produce original record for verification. The school was provided final opportunity to produce its original record on 28.04.2014. No one

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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N
Secretary

Monalisa Public School, Pratap Nagar, Mayur Vihar-I, Delhi-92

000404

attended the Office of the Committee on 28.04.2014. The school, in spite of providing five opportunities, could not produce original record for verification by the Audit Officer of the Committee.

5. By notice dated 02.05.2014, the school was asked to appear on 13.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11, for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

6. On 13.05.2014, Shri J.B. Sharma, Manager with Shri Gaurav Tandon, Accountant of the school appeared before the Committee for hearing. The school filed reply to the questionnaire. As per the reply, the school did not implement the recommendations of the 6th. Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not charged development fee. The school did not produce any record related to salary and fee schedule before the Committee for verification. It was conceded by the school representatives that the school was not filing its returns under rule 180 of DSER, 1973 to the Directorate of Education. It was also stated by the school representatives that the school did not maintain any bank account.



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Secretary

Monalisa Public School, Pratap Nagar, Mayur Vihar-I, Delhi-92

000405

Discussion and Recommendations**Re. Fee Hike**

We were not able to verify the record of the school as it failed to produce it before us on 13.05.2014 during the course of hearing. Further, the school, in spite of providing five opportunities earlier also could not produce original record before the Audit Officer of the Committee for verification. In the absence of the original record, we are unable to arrive at any finding with regard to the issue of fee hike. Therefore, the Committee is of the view that Director of Education should order a special inspection of the school as per the rules to ascertain the true state of affairs of the school.

In case after inspection it is found by the Director of Education that the school had hiked the fee and/or collected the development fee unjustifiable, it may take such action as it deems fit subject to the orders of the Hon'ble Delhi High Court.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated : -29.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member



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W
Secretary

Jiya Memorial Public School, Chander Vihar, Nilothi New Delhi-41

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.



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Secretary

Jiya Memorial Public School, Chander Vihar, Nilothi New Delhi-41

4. With a view to verify the returns, the Office of the Committee vide its notice dated 03.08.2012 required the school to appear on 17.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, Shri Omvir Shokeen, Manager of the school attended the office of the Committee with incomplete record. He was directed to produce complete record on 27.08.2012.

5. On 27.08.2012, Shri Jugbir Singh, Manager of the school appeared before the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2011 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri A.K.Vijh, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, in the range of 8.06% to 16.66% for different classes. During 2010-11, the hike was by 9.20% to 9.43%.



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Jiya Memorial Public School, Chander Vihar, Nilothi, New Delhi-41

- (ii). The school claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. April 2011, but on examination of the salary record, it was noticed that the salary to the staff had not been paid as per the prescribed norms of 6th.Pay Commission.
7. By notice dated 02.04.2014 the school was asked to appear on 29.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.
8. On 29.04.2014, Shri Omvir Shokeen, Manager, Shri Arun Kumar Jha and Shri S.K.Sharma, P/T Accountant of the school appeared before the Committee and provided the records. They fairly conceded that the report of 6th.Pay Commission had not been implemented. The representatives of the school contended that the school had hiked the tuition fee in 2009-10 and 2010-11 within the tolerance limit of 10%. On examination of fee record, it was noticed that fee hike for classes VI to VIII, in 2009-10 was by 20%. The representatives of the school contended that it was on account of the fact that the fee for these classes was reduced by Rs.40/- per month in 2008-09. In its reply to the

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W
Secretary

Jiya Memorial Public School,Chander Vihar,Nilothi New Delhi-41

questionnaire regarding development fee, the school has contended that the development fee had not been charged from the students.

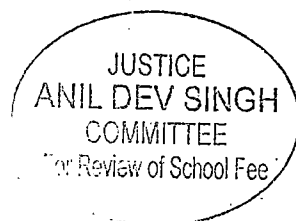
9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	360	395	35	435	40
VI. to VIII	400	480	80	530	50

10. From the above, it is manifest that the school has not increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. However,fee hike for classes VI to VIII in 2009-10, has been in excess of tolerance limit of 10%, but the school is working on low fee base. During 2010-11, the fee hike had been about 10%.

11. The school has not implemented the recommendations of the 6th Pay Commission.

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Secretary

Jiya Memorial Public School, Chander Vihar, Nilothi, New Delhi-41

12. As per the record filed before us, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Though, the school, for classes VI to VIII has hiked the fee in 2009-10, slightly in excess of 10%, it was not much in absolute terms. The school is also working on low fee base. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 12.05.2014

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JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

Vidya Bharti School, Sector-15, Rohini, Delhi-110089

The school had not submitted reply to the questionnaire dated 27/02/2012 issued by the Committee which was followed by a reminder dated 27/03/2012. However, copies of the annual returns filed by the school were received from the office of the Dy. Director of Education, Distt. North West-B. On prima facie examination of these returns, it appeared that while the school had hiked the fee in pursuance of order dated 11/02/2009 issued by the Director of Education, it had not implemented the VI Pay Commission report. Accordingly the school was placed in category 'A'.

In order to verify the returns filed by the school, the Committee issued a notice dated 03/08/2012, requiring the school to produce on 21/08/2012 its fee and salary records for the years 2008-09 to 2010-11. The school was also directed to submit reply to the questionnaire issued by the Committee as aforementioned.

On the scheduled date, Sh. Jitender Kumar, Manager (Accounts) of the school appeared and produced the necessary records for verification. He also filed reply to the questionnaire which was duly signed by the Principal of the school. As per the reply, the school claimed to have implemented the VI Pay Commission report w.e.f. April 2009 but conceded that it had not paid the arrears of salary on account of retrospective application of VI Pay Commission report. Although, in the reply, the school stated that the details of salary payment of staff, before and after implementation of VI Pay



Vidya Bharti School, Sector-15, Rohini, Delhi-110089

Commission report were enclosed, no such details were actually furnished. With regard to hike in fee, the school admitted that it had hiked the fee in terms of the aforesaid order dated 11/02/2009 w.e.f. April 2009 but claimed that it had not recovered any arrear fee as envisaged therein. Again in respect of pre and post hike fee, the school stated that the details were enclosed but no such details were found to have been enclosed.

The records produced by the school were verified by Sh. A.K. Bhalla, audit officer of the Committee and he observed as follows:

- (a) Though the school was paying salary to the staff on the basis of VI Pay Commission report from April 2009, the salary structure was not fully compliant with the recommendations of the said report, in as much as transport allowance was not being paid to the staff.
- (b) The salary to the staff was being paid through ECS.
- (c) Discrepancies were observed between fee registers, fee receipts vis a vis fee schedules filed by the school. However, the representative of the school explained that the initially the fee was received in lump sum and at higher rates but the same were adjusted against the fee for subsequent months. In support, the school produced copies of the minutes of the PTA meetings.

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Secretary

(d) The school was charging monthly tuition fee under various heads like tuition fee, science fee, computer fee and miscellaneous charges. While the hike in tuition fee for different classes was the maximum hike permitted vide order dated 11/02/2009, when viewed in aggregate for various heads, the hike was more than that permitted vide the aforesaid order. He prepared the following chart, showing the tuition fee effected by the school:

Class	Monthly fee in 2008-09 (Rs.)	Monthly fee in 2009-10 (Rs.)	Increase in fee 2009-10 (Rs.)
I to IV	978	1285	307
V	1028	1325	297
VI to VIII	1028	1325	297
IX & X	1028	1400	372
XI & XII (Commerce & Arts)	1125	1495	370
XI & XII (Commerce with computer)	1225	1595	370
XI & XII (Science without computer)	1225	1595	370
XI & XII (Science with computer)	1325	1695	370

The Committee received a representation from 54 teachers of the school, making various allegations against the school administration. The allegations were mainly related to administrative matters. However, some allegations also touched upon the issues

which are being examined by the Committee. These were non implementation of VI Pay Commission in totality, non payment of arrears arising on implementation of VI Pay Commission report, non accounting of some collections from the students in the books of school.

The Committee sought the response of the school only on the issues which pertained to the questions of fee collected from the students and salaries paid to the staff in accordance with the recommendations of the VI Pay Commission.

The school in its response admitted that it had not paid the arrears of salary and at the same time it had not collected any arrears of fee from the students for such purpose. As regards non implementation of VI Pay Commission report in totality also, the school admitted that it was not paying any transport allowance and the DA was also being paid at a rate lower than what was payable. As regards non accounting of the collection from the students in the name of annual function in November December 2012 as alleged by the teachers, the school denied the allegation and in its support it filed copy of its audited balance sheet for 2012-13 to show that the collection was duly reflected in its accounts.

Before proceeding further, it would be apposite to consider the observations of the audit officer of the Committee and the allegations made by the teachers of the school.



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Secretary

Vidya Bharti School, Sector-15, Rohini, Delhi-110089

The Committee finds that the only adverse observation made by the audit officer is that the school hiked the fee which was more than the hike permitted by the order dated 11/02/2009 issued by the Director of Education. The Committee is of the view that the Hon'ble Delhi High Court in its judgment dated 12/08/2011 in W P (C) 7777 of 2009 by which this Committee was constituted, has held that the hike in fee permitted by the order dated 11/02/2009 can only be considered as interim and in appropriate cases, the schools may make out a case for a higher hike in fee. In view of this, the Committee considers that the issue of fee hike actually effected by the school has to be considered in relation to its requirement of funds for implementation of VI Pay Commission report and therefore, although the school did not act in compliance with the order dated 11/02/2009 issued by the Director of Education, this fact need not detain this Committee from making the relevant calculations in view of the fact that the school substantially implemented the VI Pay Commission report, albeit prospectively, and pays the salary through the unimpeachable mode of transfer by ECS.

The grievances of the teachers of the school in so far as they concern non implementation of VI Pay Commission report in totality, non payment of arrears of salary, are admitted by the school and will be duly factored in while making the relevant calculations. However, the allegation regarding non accounting of certain collections from the

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students is not found to be true as the school has demonstrated with reference to its audited accounts that the funds which were collected from the students for annual function have been accounted for in its books.

In order to provide an opportunity of being heard to the school, the Committee issued a notice dated 11/02/2014, requiring the school to appear before the Committee on 27/03/2014. A questionnaire seeking information regarding collection and utilisation of development fee and maintenance of development fund and depreciation reserve fund was also issued to the school. On this date, a request letter was received from the school seeking adjournment of hearing. Accordingly the matter was directed to be relisted on 21/04/2014, which was adjourned to 23/04/2014. On this date, Sh. Jitender Kumar, Accounts Manager of the School appeared and filed written submissions dated 19/04/2014 along with reply to the questionnaire regarding development fee, which will be considered when we discuss the issue of development fee. The information sought by the Committee was furnished by the school. The school made the following submissions:

- (a) The school did not collect any arrear fee for the period 01/01/2006 to 31/03/2009 and hence did not make payment of arrears of salary for the aforesaid period, consequent to implementation of VI Pay Commission report.



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- (b) The VI Pay Commission report was substantially implemented w.e.f. 01/04/2009 which resulted in the expenditure on salary going upto Rs. 208.84 lacs in 2009-10 from 146.36 lacs in 2008-09.
- (c) As a result of hike in fee effected by the school w.e.f. 01/04/2009, its total fee revenue went up from Rs.222.99 lacs in 2008-09 (including Rs. 20.02 lacs as development fee) to Rs. 289.44 lacs in 2009-10 (including Rs. 27.61 lacs as development fee).
- (d) The school had an accrued liability of Rs. 40.85 lacs towards gratuity and leave encashment as on 31/03/2008 and Rs. 71.02 lacs as on 31/03/2010. No provision had been made in the balance sheet of the school for these liabilities.

Discussion & Determination:**Tuition Fee:**

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the Committee, the observations of the audit officer of the Committee and the written and oral submissions made by the representatives of the school during the course of hearing.



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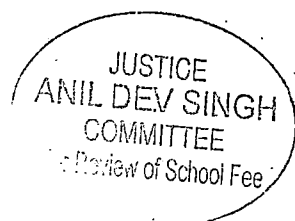
The Committee finds that the school had been incurring capital expenditure on purchase of vehicles over the past few years. The detail of such acquisitions from 2006-07 to 2010-11 are as follows:

Asset acquired	2006-07	2007-08	2008-09	Total
School bus	17,97,978	9,05,000		27,02,978
Car Skoda		11,99,985		11,99,985
Car			14,14,178	14,14,178
Total				53,17,141

The Committee also observes that initially such vehicles were acquired by raising loans from banks but the loans were repaid, along with interest, out of the fee revenues of the school. By 31/03/2011, the school had repaid all its loans for purchase of these vehicles. That shows that the school utilised funds amounting to Rs. 53.17 lacs for purchase of vehicles out of its fee collected from the students, besides paying interest on these loans. Perusal of the audited financials of the school shows that the school paid the following sums as interest on vehicle loans in different years:

Year	Amount
2005-06	30,223
2006-07	27,725
2007-08	1,31,421
2008-09	1,91,591
2009-10	1,33,411
2010-11	3,990
Total	5,18,361

The issue of recovery of capital expenditure incurred by the school as part of the fee structure was considered by the Hon'ble Supreme Court in **Modern School vs. Union of India & Ors. (2004)**



5 SCC 583. While examining as to what expenses/expenditure could be recovered from the students by way of fee, the Hon'ble Apex Court held:

"Section 18(3) is to be read with Rule 175. Reading the two together, it is clear that each item of income shall be accounted for separately under the common head, namely, Recognised Unaided School Fund. Further, Rule 175 indicates accrual of income unlike Rule 177 which deals with utilisation of income. Rule 177 does not cover all the items of income mentioned in Rule 175. Rule 177 only deals with one item of income for the school, namely, fees. Rule 177(1) shows that salaries, allowances and benefits to the employees shall constitute deduction from the income in the first instance.

*That after such deduction, surplus if any, shall be appropriated towards pension, gratuity, reserves and other items of appropriations enumerated in Rule 177(2) and after such appropriation the balance (savings) shall be utilised to meet capital expenditure of the same school or to set up another school under the same management. Therefore, Rule 177 deals with application of income and not with accrual of income. Therefore, Rule 177 shows that salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings. **Therefore, capital expenditure cannot constitute a***



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component of the financial fee structure as is submitted on behalf of the schools.

In view of the aforesaid judgment of Hon'ble Supreme Court, the capital expenditure has to come out of savings calculated in the manner prescribed by Rule 177 of Delhi School Education Rules, 1973. However, in the instant case, the school did not incur the capital expenditure out of its savings. On the contrary it raised loans for purchasing vehicles which were subsequently repaid along with interest out of the revenues generated by it by way of fee from the students. In other words, the capital expenditure incurred by the school for purchasing these vehicles was included in the fee structure of the school. The Committee is of the view that this was not permissible. While making the relevant calculations, the Committee will duly factor this aspect.

Determinations:

In view of the foregoing discussion, the Committee makes the following determinations:

- (a) The school had a sum of **Rs. 40,61,207**, available with it as on 31/03/2009. While working out this amount, the Committee has taken into account the funds which were generated from the fee of the students but diverted by the school for buying vehicles. The said sum has been arrived at as follows:



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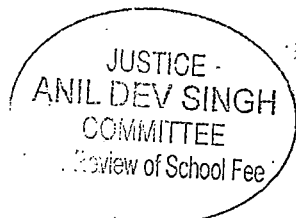
Statement showing Fund availability of as on 31-03-2009			
			Amount (Rs.)
	Funds utilised for purchase of vehicles		
	Cost of vehicles	5,317,141	
	Interest paid on vehicle loans	518,361	5,835,502
	Current Assets		
	Cash in hand	26,739	
	Bank Balance	550,741	
	Advance to Staff	467,590	
	Prepaid Expense	92,903	
	Advance for expenses	25,000	
	DDA	600,000	
	Canara Bank Electricity A/c	955	
	TDS on FDR	20,574	
	Fixed Deposits	913,729	2,698,231
	Total		8,533,733
Les s:-	Current Liabilities		
	Sundry Creditors	221,388	
	Security Deposits (Refundable)	1,346,050	
	Expenses Payable	1,571,924	
	Fee & other charges received in Advance	329,600	
	Other Charges received in advance	706,525	
	Cheques issued but not presented for payment	234,832	
	TDS Payable	1,579	
	FBT Payable	60,628	4,472,526
	Net Current Assets + Funds utilised for purchase of vehicles		4,061,207

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- (b) The school had an accrued liability of Rs. 71.00 lacs (approximately) towards payment of gratuity and leave encashment as on 31/03/2010.
- (c) Since the funds available with the school were not sufficient to cover its accrued liabilities for gratuity and leave encashment, the Committee is of the view that the school did not have any funds of its own which could have been utilised for implementation of VI Pay Commission report. No credit has been allowed to the school at this stage for keeping funds in reserve for future contingencies as the school has been found not to be having any surplus funds after accounting for its requirement for funds to be kept in reserve for meeting its liability for gratuity and leave encashment. However, in case, the Committee determines that the development fee charged by the school was not in accordance with law, the Committee will give due consideration to the requirement of the school for keeping funds in reserve for future contingencies.
- (d) The additional expenditure incurred by the school on payment of salary to the staff in 2009-10 on account of implementation of VI Pay Commission report was Rs. 62,47,402 (Rs. 62.47 lacs), as contended by the school and which is also borne out from the audited financials of the school.
- (e) The total fee revenue of the school in 2008-09 was Rs. 202.97 lacs (excluding development fee) which rose to Rs. 261.83 lacs



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in 2009-10 on account of tuition fee hike effected in pursuance of order dated 11/02/2009 issued by the Director of Education. Thus the additional revenue that accrued to the school on account of tuition fee hike in 2009-10 was Rs. 58.86 lacs.

(f) Thus the school was in deficit to the tune of Rs.3.61 lacs in tuition fee account after implementation of VI Pay Commission report, to the extent it did. This despite the school not being allowed any allowance for funds to be kept in reserve for future contingencies on account of paucity.

Development Fee:

In reply to the questionnaire issued by the Committee seeking information about collection of development fee, its utilisation and maintenance of development fund and depreciation reserve fund accounts, the school submitted that it had been charging development fee in all the five years for which the information was sought by the Committee. It provided details of collection of development fee as follows:

Year	Amount Collected (Rs.)	Amount utilised (Rs.)	Purpose for which utilised
2006-07	11,76,840	Nil	
2007-08	15,90,000	13,03,000	Construction of auditorium
2008-09	20,02,500	48,000	Construction of auditorium
2009-10	27,60,660	Nil	
2010-11	27,61,560	2,74,000	Over head projector.



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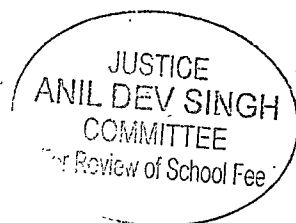
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It further stated that the development fee was treated as a revenue receipt in the accounts. With regard to keeping unutilized development fund in separate account, it stated that the unutilised development fund was used to meet salary payments.

It is apparent from the submissions of the school that the school was not charging development fee for the purpose it was meant. It was treating development fee as an additional source of revenue in addition to the tuition fee. Neither development fund account was maintained nor any depreciation reserve fund account was maintained. Even in the years in which it was shown to have been partly utilised for capital expenditure, the utilisation was for construction of auditorium which is not a permissible mode of utilisation. The Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583, while affirming the recommendations of the Duggal Committee held that the schools could charge development fee subject to its treating the same as a capital receipt and maintenance of separate development fund and depreciation reserve fund. Further the utilisation was restricted to purchase or upgradation of furniture and fixture and equipments and not for construction of school buildings or auditoriums.

Thus, the Committee is of the view that the school was not charging development fee in accordance with the law as laid down by the Hon'ble Supreme Court and was not fulfilling any of the pre



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conditions prescribed for its charge. The Committee is therefore of the view that the school ought to refund the development fee charged in 2009-10 and 2010-11. No recommendation is being made for the development fee charged in the earlier years since the mandate of this Committee is to examine the issue of fee charged by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education only. The development fee charged by the school in these two years amounts to Rs. 55,22,220. In normal circumstances, the Committee would have recommended its refund along with interest @ 9% per annum. However, as noticed supra, the school was in deficit to the extent of Rs. 3.61 lacs in tuition fee account on partial implementation of VI Pay Commission report. Further, no allowance was allowed to the school for keeping any funds reserve for future contingencies. The average monthly expenditure of the school on payment of salaries in the year 2009-10 was Rs. 17.40 lacs. The Committee has taken a view in the case of other schools that the schools ought to retain funds equivalent to four months' salary for meeting any future contingencies. Therefore, the requirement of the school to keep funds in reserve amounts to Rs. 69.61 lacs.

In view of the foregoing discussion, the Committee refrains from recommending the refund of development fee amounting to Rs. 55,22,220 which was charged in the years 2009-10 and 2010-11.



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Recommendations:

In view of the foregoing discussion and determinations, the Committee is of the view that no intervention is required either in the matter of tuition fee or in the matter of development fee.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

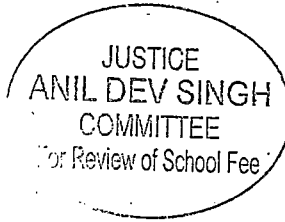
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014



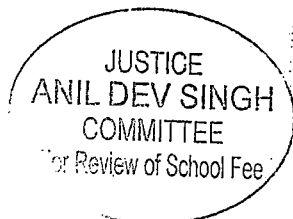
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Convent of St. Garjiya School, Uttam Nagar, New Delhi-56

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it, prima facie, appeared that the school had hiked the fee in terms of the order of the Director of Education dated 11.02.2009 and had not implemented the recommendations of the 6th Pay Commission. Accordingly, it was placed in Category 'A'.



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4. With a view to verify the returns, the Office of the Committee vide its notice dated 03.08.2012 required the school to appear on 21.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. No one attended the Office of the Committee on 21.08.2012. The school vide its letter dated 21.08.2012 requested for some more time to produce its records. The Committee provided final opportunity to the school to produce its financials for verification on 27.08.2012.

5. On 27.08.2012, Shri Jatin Tewari, Manager of the school attended the Office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. January, 2010 and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, in range of 12.5% to 15.7% for different classes. During 2010-11, the hike was from 17.6% to 22.2%.

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(ii). The school claimed to have implemented the recommendations of the 6th Pay Commission w.e.f. January, 2010, but D.A. and H.R.A had not been paid as per the prescribed norms of 6th Pay Commission.

7. By notice dated 02.04.2014 the school was asked to appear on 30.04.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 30.04.2014, Shri Jatin Tewari, Manager and Shri S.K. Sharma, Part Time Accountant of the school appeared before the Committee and provided the records. The representatives of the school contended that the school had hiked the tuition fee in 2009-10 and 2010-11 by more than the tolerance limit of 10%. It was conceded that the report of 6th Pay Commission has not been implemented. It was further contended that even after the hike in fee in 2009-10 and 2010-11, the total fee was not much, as the hike was on a very low base. The school filed reply to the questionnaire regarding development fee. As per the reply, the school has not charged the development fee from the students.



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9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to III	375	425	50	500	75
IV to V	400	450	50	550	100
VI to VIII	475	550	75	650	100

10. From the above, it is manifest that the school has not increased the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009. However, the hike in fee for classes VI to VIII in 2009-10 was marginally in excess to the tolerable limit of 10%. During 2010-11, the fee hike had been more than 10%. The school was working on a very low fee base.

11. The school has not implemented the report of the 6th Pay Commission as admitted during the course of hearing before the Committee.

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12. As per the record filed before us, the school has not charged development fee from the students.

RECOMMENDATION**Re. Fee Hike**

Though, the school, for classes VI to VIII has hiked the fee in 2009-10, slightly in excess of 10%, it was not much in absolute terms. The school is also working on low fee base. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

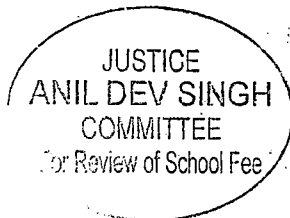
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 12.05.2014



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Darbari Lal D.A.V. Model School, Shalimar Bagh, Delhi-110088

The Committee had issued a letter dated 19/01/2012 to the school requiring it to file with it copies of annual returns filed under Rule 180 of Delhi School Education Rules, 1973 for the year 2006-07 to 2010-11, the details of salary for the period prior to implementation of VI Pay Commission report as well as for the period after implementation of the said report, detail of arrears paid to the staff as a consequence of implementation of VI Pay Commission report, the details of fee hiked for the purpose of implementation of such report and copy of circular issued to the students or their parents regarding the fee hike. The school furnished the required information in the office of the Dy. Director of Education, Distt. North West-A, under cover of its letter dated 25/01/2012, for onward submission to the Committee. The same were received in the office of the Committee. Subsequently the Committee standardized the information required from the schools and for eliciting such information, it issued a questionnaire dated 27/02/2012 to all the schools (including this school). The school submitted its reply to the questionnaire under cover of its letter dated 02/03/2012. In its reply, the school stated as follows:

- (a) It had implemented the VI Pay Commission report w.e.f. 01/01/2006. The salary was hiked w.e.f. 01/09/2008. The monthly salary bill for the month of August 2008 was Rs.



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48,94,054 which rose to Rs. 74,43,000 in the month of September on implementation of the VI Pay Commission report. Arrears of salary amounting to Rs. 3,25,62,799 had been paid in three installments in the years 2008-09, 2009-10 and 2010-11.

(b) It had increased the fee w.e.f. 01/09/2008 in terms of order dated 11/02/2009 issued by the Director of Education and also recovered the arrear fee as envisaged in the aforesaid order.

Based on the information furnished by the school, it was placed in Category 'B'.

A Preliminary calculation sheet was drawn up by the Chartered Accountant detailed with the Committee (CAs). The same were perused by the Committee and the Committee observed that the CAs had made the calculations by extrapolating monthly differences in pre and post implementation salaries and pre and post hike fees. The Committee felt that the information that emanated from the financials of the school was more explicit and in such circumstances, the calculations ought to be made by culling out the figures from the audited financials of the school particularly as they inspired confidence. The Committee therefore directed one of its audit officers

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to prepare a fresh calculation sheet by taking the actual figures from the audited financials instead of extrapolations resorted to by the CAs.

Accordingly a fresh preliminary calculation sheet was prepared by one of the audit officers of the Committee and as per this sheet, it appeared that the school had hiked more fee than was required to offset the additional financial burden on account of implementation of VI Pay Commission report. The gist of the preliminary calculation sheet prepared by the audit officer of the Committee is as follows:

Funds available as on 31/03/2008		22,514,901.81
Arrear fee recovered by the school	24,706,500.00	
Less amount of arrear salary paid	<u>32,562,799.00</u>	(7,856,299.00)
Incremental Fee for the year 2009-10	16,910,400.00	
Less incremental salary for 2009-10	<u>22,002,788.00</u>	<u>(5,092,388.00)</u>
Net Excess		<u>9,566,214.81</u>

The above calculation, obviously does not take into account, the reserve that the school may require for future contingencies.

The school was issued a notice dated 26/12/2013 for providing it an opportunity of hearing by the Committee on 21/01/2014. A copy of the preliminary calculation sheet prepared by the audit officer of the Committee was also supplied to the school along with the notice. A



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questionnaire for eliciting information about the receipt and utilisation of development fee and the manner of its treatment in the accounts and maintenance of earmarked development fund and depreciation reserve fund accounts was also issued to the school.

On the scheduled date, Sh. Sanjay Gupta, Administrative Officer of the school appeared with Sh. Baldev Raj, Senior Assistant and Sh. Lalit Kumar, Chartered Accountant. The school filed written submissions dated 20/01/2014 with supporting details. The school also filed reply to the questionnaire regarding development fee. The school did not agree with the preliminary calculations prepared by the audit officer of the Committee. It filed its own calculation sheet, vide which it claimed that the school was in fact in deficit to the tune of Rs. 1,62,25,855 after implementation of VI Pay Commission report, instead of a surplus of Rs. 95,66,214 determined in the preliminary calculation sheet. However, the representatives of the school did not produce the books of accounts and salary records of the school in support of their submissions and calculations. At the instance of the school, the Committee directed the matter to be relisted on 20/02/2014. The school was asked to provide the detailed figures of arrears of fee and salary and incremental fee and salary consequent to implementation of VI Pay Commission report. The detailed figures

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were furnished by the school on 20/02/2014 and the school also produced its books of accounts to support those figures.

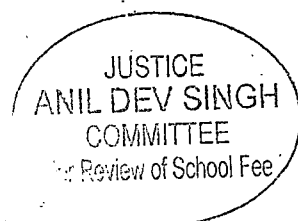
The Committee examined the statements filed by the school with reference to the audited financials of the school and its books of accounts. With the assistance of the representatives of the school, the following figures which are relevant to the issue to be determined by the Committee, were culled out:

S.No.	Particulars	Amount (Rs.)
1.	Funds available with the school as on 31/03/2008	2,25,14,902
2.	Arrears of salary consequent to implementation of VI Pay Commission report	4,06,41,635
3.	Incremental salary in 2009-10 consequent to implementation of VI Pay Commission report	2,81,47,737
4.	Arrears of fee recovered as per order dated 11/02/2009 of the Director of Education	2,25,33,460
5.	Incremental fee of 2009-10	2,25,17,767

The representatives of the school agreed with these figures culled out by the Committee and endorsed on the order sheet as follows:

"We agree to these figures".

It needs to be stated here that the arrear fee as well as the incremental fee as worked out above include development fee also as the Committee has observed that the school was treating development



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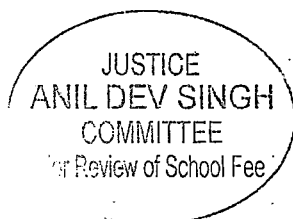
Darbari Lal D.A.V. Model School, Shalimar Bagh, Delhi-110088

fee as a revenue receipt and also utilizing the same mainly to meet the revenue expenditure. Thus the development fee charged by the school upto 2009-10 has already been factored in the above figures.

After agreeing to these figures, the representatives of the school submitted that the school does not have any liability towards gratuity and leave encashment as it makes an yearly contribution to a pool account maintained by DAV College Trust and Management Society and these liabilities are settled by the Trust. They, however, contended that the entire funds available with the school ought not be considered as available for implementation of VI Pay Commission report as the school has to maintain sum reserve for future contingencies. It was contended that the average monthly salary bill during 2009-10 was Rs. 70.00 lacs.

Discussion & Determination:

The Committee has considered the annual returns of the school, the information furnished by the school in response to the notices issued by the Committee, the reply to the questionnaire issued by the Committee, the preliminary calculation sheet prepared by the audit officer of the Committee. However, in view of the fact that the Committee has culled out the relevant figures from the audited financials of the school and the other information provided by the

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school during the course of hearing and the school has also agreed to such figures, there is hardly any need to discuss the merits or demerits of the calculation sheet prepared by the audit officer of the Committee or that prepared by the school.

The Committee agrees with the contention of the school that the entire funds available with it ought not to be considered as available for implementation of VI Pay Commission report. The Committee has taken a view in the case of other schools that funds equivalent to four months' salary ought to be set apart for future contingencies. The average monthly salary bill of the school in 2009-10 amounted to Rs. 70.00 lacs, as contended by the school. In view of this, the Committee is of the view that the school ought to maintain a reserve of around Rs. 2.80 crores for any future contingencies.

The funds available with the school at the threshold were Rs. 2,25,14,902. In view of the requirement of the school for maintenance of reserve for future contingencies amounting to Rs. 2.80 crores, the Committee is of the view that the school did not have any funds available with it which could have been utilised for implementation of VI Pay Commission report. Hence a fee hike was imminent. Whether the extent of hike effected by the school was justified or not is the question to be determined by the Committee. It needs to be stated here that the school has not made any claim for hiking the fee over



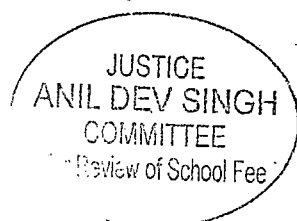
Darbari Lal D.A.V. Model School, Shalimar Bagh, Delhi-110088

and above the fee hike effected by it in terms of order dated 11/02/2009 of the Director of Education, to recoup any shortfall that may arise.

For determining the justifiability of fee hike, the following calculations would be apposite:

Particulars		Amount (Rs.)
Arrear fee recovered	2,25,33,460	
Add Incremental fee of 2009-10	2,25,17,767	4,50,51,227
Arrear salary paid	4,06,41,635	
Incremental salary of 2009-10	2,81,47,737	6,87,89,372
Shortfall		2,37,38,145

As noted supra, the Committee has already factored in the development fee charged by the school upto 2009-10 while working out the above shortfall. Further the school charged a sum of Rs. 1,47,28,780 as development fee for 2010-11 which has also been treated as a revenue receipt and utilised mainly for meeting revenue expenses. Taking this into account, the shortfall on account of implementation of VI Pay Commission report gets reduced to **Rs. 90,09,365**. However, as noted above, the school has not made any claim for allowing it any further hike in fee over and above the hike effected by the school in terms of order dated 11/02/2009 issued by the Director of Education.



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Darbari Lal D.A.V. Model School, Shalimar Bagh, Delhi-110088**Recommendations:**

In view of the above discussion and determinations, the Committee is of the view that the fee hike effected by the school for implementation of VIth Pay Commission report was justified and no intervention is required in the matter of tuition fee hiked or development fee charged by the school in terms of order dated 11/02/2009 issued by the Director of Education.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K.Sharma
Member

Dated: 04/06/2014

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Green Fields Public School, Dilshad Garden, Delhi-110095

In response to the Public Notice issued by the Committee, inviting various stakeholders to make representations with regard to the issue of fee hike effected by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee received a copy of a complaint/representation from one Sh. D.N. Pandey, a trained graduate teacher of this school. The original complaint was addressed to the Director of Education. The complaint was mainly with regard to the alleged misconduct/mismanagement of the Principal and Vice Principal of the school. The complainant also raised various other administrative issues with which the Committee had no concern. However, Sh. Pandey desired to be granted an audience by the Committee. Accordingly he was heard by the Committee on 29/02/2012. His main grievance was against his suspension from the services of the school. As the matter did not fall in the purview of the Committee, no further action was taken in the complaint. However, he filed another complaint with the Director of Education, marking a copy to the Committee in which it was inter alia alleged that the school was collecting funds under certain heads which were not being accounted for in the accounts of the school. Copies of both the complaints were forwarded to the school for its comments. In response, the school stated that Sh. Pandey was placed under suspension on 05/12/2011 and thereafter he was removed from the service on 08/01/2012. According to the school, he had filed the complaints with a view to delaying the disciplinary proceeding which were pending against him. The school also controverted the allegations

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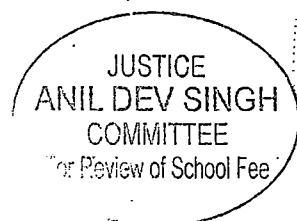


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of Mr. Pandey that it was collecting any fee or funds without issuing receipts. In light of the denial of the school, an opportunity was again afforded to Sh. Pandey to substantiate his allegations with any material that he might possess. In response, he merely reiterated his grievances against his suspension and subsequent removal from service, besides leveling certain allegations against the Principal and Management of the school. He also filed copies of some registers with entries carrying the dates of the year 2001. The entries do not lead to an inference that the school was charging any fee or funds outside its books. The Committee is of the view that the complaints made by Sh. Pandey are not backed up by any evidence and therefore no credence can be given to them.

Now coming to the question which the Committee has to determine. The Committee vide its letter dated 19/01/2012 required the school to file with it copies of its annual returns under Rule 180 of Delhi School Education Rules, 1973 for the years 2006-07 to 2010-11, fee schedules for the aforesaid years, details of salary paid to the staff before implementation of VI Pay Commission and after its implementation, details of arrears paid to the staff, statement indicating the fee hike effected by the school consequent to order dated 11/02/2009 issued by the Director of Education, details of arrear fee charged by the school and copy of the circular issued to the students regarding fee hike pursuant to the aforesaid order of the Director of Education.



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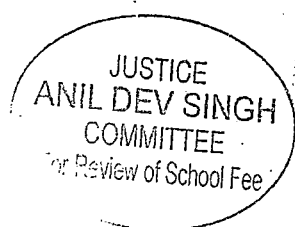
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The school filed the details sought by the Committee under cover of its letter dated 25/0/2012. As per the details filed by the school, the following position was discernible:

- (1) The school had implemented the VI Pay Commission report w.e.f. April 2009. The salary paid for the month of March 2009 was Rs. 40,64,224 which rose to Rs. 59,06,579 for the month of April 2009 on account of implementation of VI Pay Commission report.
- (2) The school had paid arrears amounting to Rs. 3,79,96,846 for the period 01/01/2006 to 31/03/2009 on account of retrospective application of VI Pay Commission report.
- (3) The school hiked the monthly tuition fee w.e.f. 01/04/2009 for different classes as follows:

Class	Monthly tuition fee for F.Y. 2008-09 (Rs.)	Monthly tuition Fee for F.Y. 2009-10 (Rs.)	Hike in Monthly tuition fee w.e.f. 01/04/2009 (Rs.)
Pre-primary	1170	1470	300
I to V	1335	1635	300
VI to VIII	1380	1680	300
IX & X	1470	1770	300
XI & XII (Arts & Commerce)	1485	1785	300
XI & XII (Arts & Commerce with Domestic Science)	1540	1940	400
XI & XII (Science)	1540	1940	400
XI & XII (Science with Domestic Science)	1590	1990	400
XI & XII (Science with Computer Science)	1560	1960	400

- (4) The school recovered arrear fee from the students of different classes as follows:



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Class	Arrear of tuition fee for the period 01/09/2008 to 31/03/2009 (Rs.)	Arrear of development fee for the period 01/09/2008 to 31/03/2009 (Rs.)	Lump sum arrears for the period 01/01/2006 to 31/08/2008 (Rs.)	Total (Rs.)
Pre-primary	2100	420	3000	5520
I to V	2100	455	3000	5555
VI to VIII	2100	420	3000	5520
IX & X	2100	455	3000	5555
XI & XII (Arts & Commerce)	2100	385	3000	5485
XI & XII (Science)	2800	560	3500	6860

Based on the information furnished by the school, it was placed in Category 'B'.

A Preliminary calculation sheet was drawn up by the Chartered Accountant detailed with the Committee (CAs). However, the same was not found to be correct by the Committee as the CAs had determined that the school had negative funds at the threshold as on 31/03/2008 and had made the calculations taking the same into account. The Committee is of the view that no credit can be given to the school if it had negative net current assets (funds) at the threshold. At best, the Committee can take that the school did not possess any funds in the beginning which could have been utilised for implementation of VI Pay Commission report.

The school was issued a notice dated 26/12/2013 for providing it an opportunity of hearing by the Committee on 23/01/2014 to enable it to justify the hike in fee effected by it. A questionnaire seeking specific information regarding the charge and utilisation of

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development fee and maintenance of development fund and depreciation reserve fund was also issued. However, the hearing was rescheduled for 07/03/2014 and again to 20/03/2014 on account of certain exigencies. On this date, Sh. Alok Mittal, Chartered Accountant and Sh. George Joseph, Accountant of the school appeared and filed written submissions dated 04/03/2014. Reply to questionnaire regarding development fee was also filed. However, the reply filed by the school did not give the relevant information. The authorized representative of the school sought liberty to file revised reply which was granted by the Committee. Accordingly, the school filed a revised reply dated 25/03/2014.

In the written submissions dated 04/03/2014, filed by the school,

- (i) The accrued liabilities of the school on account of gratuity and leave encashment were Rs. 5,17,20,406 as on 31/03/2008, which rose to Rs. 6,99,78,521 as on 31/03/2010.
- (ii) The aggregate revenue of tuition fee in the year 2008-09 was Rs. 7,29,11,500 which rose to Rs. 9,06,09,410 in 2009-10 on account of fee hike in that year.
- (iii) The total arrear fee due/recovered for the period 01/01/2006 to 31/08/2008 was Rs. 1,18,06,455 while

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Green Fields Public School, Dilshad Garden, Delhi-110095

that for the period 01/09/2008 to 31/03/2009 was Rs. 1,11,11,030.

- (iv) The regular salary of staff + PF contribution was Rs. 4,91,06,880 in 2008-09 which rose to Rs. 8,24,42,264 on account of implementation of VI Pay Commission report, annual increments and DA hikes.
- (v) The total arrear salary for the period 01/01/2006 to 31/08/2008 was Rs. 2,74,96,100 while that for the period 01/09/2008 to 31/03/2009 was Rs. 1,05,00,746.

The submissions of the school were examined with reference to the audited financials of the school and it appeared that the total arrears of salary, as shown by the school were actually not paid. Accordingly, the school was asked to furnish the details of payment of arrear salary duly supported with copies of bank statements showing the relevant debits. The school furnished the year wise detail of payment of arrear salary, along with copies of the relevant bank statements. On perusal of these details, it becomes apparent that while the school provided the liability for payment of total arrears amounting to Rs. 3,79,96,846 in its balance sheet as on 31/03/2009, the entire amount had not been paid. A total sum of Rs. 3,47,43,002 out of the total liability as aforementioned was paid upto 31/03/2014. As on 31/03/2014, the school still had to pay a sum of Rs. 32,53,844

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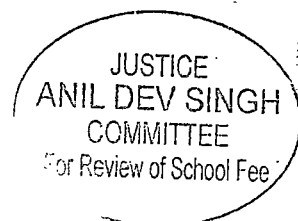
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towards arrear salary. The school submitted that these liabilities were outstanding as the staff members had either left the school or had expired and nobody had turned up to claim the amount due.

Discussion & Determination regarding tuition fee :

The Committee has perused the returns filed by the school under Rule 180 of Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the Committee, the audited financials of the school and the information and documents furnished during the course of hearing. On examination of the audited balance sheet, the Committee is of the view that the school did not have any funds of its own at the threshold which could have been utilised for implementation of VI Pay Commission report. The net current assets + investments were in the negative zone. The CAs detailed with the Committee also arrived at the same conclusion. Although the Committee has taken a view that the schools ought to retain sufficient funds in reserve to meet their accrued liabilities of gratuity and leave encashment and also for the purpose of meeting any unforeseen contingencies, no such allowance can be made in the case of this school as the school did not possess any funds which could have been kept in reserve. Therefore, the only calculations that are required to be made are in respect of the arrear fee collected by the school, arrear salary paid by the school, the



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Green Fields Public School, Dilshad Garden, Delhi-110095

incremental revenue accruing to the school on account of fee hike effected in pursuance of order dated 11/02/2009 issued by the Director of Education and the incremental salary paid to the staff on account of implementation of VI Pay Commission report. The relevant calculations are as follows:

	Particulars		Amount (Rs.)
A	Arrear fee for the period 01/01/2006 to 31/08/2008 collected by the school	1,18,06,455	2,29,17,485
	Arrear fee for the period 01/09/2008 to 31/03/2009 collected by the school	<u>1,11,11,030</u>	
B	(i) Arrear salary due for the period 01/01/2006 to 31/08/2008	2,74,96,100	3,47,43,002
	(ii) Arrear salary due for the period 01/09/2008 to 31/03/2009	<u>1,05,00,746</u>	
	Total (i) + (ii)	3,79,96,846	
	Less arrear salary not paid upto 31/03/2014	<u>32,53,844</u>	
C	Shortfall of arrear fee vis a vis arrear salary (A-B)		(-)1,18,25,517

	Particulars	Amount (Rs.)
A	Tuition Fee revenue for the year 2009-10	9,06,09,410
B	Tuition Fee revenue for 2008-09	<u>7,29,11,500</u>
C	Incremental fee in 2009-10 (A-B)	1,76,97,910
D	Salary for the year 2009-10	8,24,42,264
E	Salary for the year 2008-09	<u>4,91,06,880</u>
F	Incremental salary in 2009-10 (D-E)	3,33,35,456
G	Shortfall in tuition fee hike vis a vis salary hike (C-F)	(-)1,56,37,546

Thus there was a total shortfall of Rs. 2,74,63,063 in the revenues of the school on account of the extent of hike in tuition fee vis a vis hike in salary on account of implementation of VI Pay Commission report. It needs to be mentioned here that the school has not made any claim for being allowed a further fee hike over and

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ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Green Fields Public School, Dilshad Garden, Delhi-110095

above what was permitted by the Director of Education vide order dated 11/02/2009. **The Committee is therefore of the view that in so far as the hike in tuition fee is concerned, no intervention is required.**

Development Fee:

In response to the questionnaire regarding development fee issued by the Committee, the school filed its reply dated 04/03/2014, which was supplemented by another reply dated 25/03/2014. A conjoint reading of the two replies, throws up the following position with regard to various aspects of development fee:

- (i) The school was charging development fee in all the five years i.e. 2006-07 to 2010-11, for which the information was sought. The year wise collection and its utilisation, as submitted by the school was as follows:

Year	Development fee charged (Rs.)	Development fee utilised (Rs.)	Manner of utilisation	
2006-07	73,96,285	73,96,285	Furniture, Fixture	5,89,532
			Equipments	1,34,550
			Repair & Maintenance	4,08,560
			Computer running & maintenance	62,63,643
			%age utilisation for revenue expenses	90.21%

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COMMITTEE
for Review of School Fee

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Green Fields Public School, Dilshad Garden, Delhi-110095

2007-08	73,76,155	73,76,155	Furniture, Fixture	7,92,142
			Equipments	3,05,935
			Repair & Maintenance	4,31,709
			Computer running & maintenance	58,46,369
			%age utilisation for revenue expenses	85.11%
2008-09	1,04,23,570	1,04,23,570	Furniture, Fixture	2,88,879
			Equipments	1,61,350
			Repair & Maintenance	7,57,825
			Computer running & maintenance	92,15,516
			%age utilisation for revenue expenses	95.68%
2009-10	1,38,84,465	1,25,42,187	Furniture, Fixture	3,74,707
			Equipments	15,99,117
			Repair & Maintenance	1,91,193
			Computer running & maintenance	1,03,77,170
			%age utilisation for revenue expenses	84.26%
2010-11	1,51,41,795	1,07,43,051	Furniture, Fixture	2,24,677
			Equipments	18,000

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COMMITTEE
For Review of School Fee

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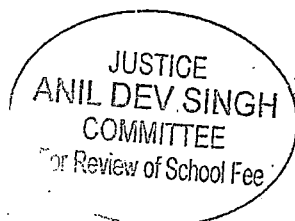
Green Fields Public School, Dilshad Garden, Delhi-110095

			Repair & Maintenance	2,55,069
			Computer running & maintenance	1,02,45,305
			%age utilisation for revenue expenses	97.74%

- (ii) The school was treating development fee as a revenue receipt.
- (iii) Only provision for depreciation was made in the revenue account. No earmarked depreciation reserve fund was maintained.
- (iv) No earmarked development fund was maintained as no surplus remained out of development fee.

Discussion & Determination regarding development fee:

The Committee has considered the information furnished by the school and has also examined the financials of the school. At the outset, the features that strike are that the school was treating development fee as any other revenue source and the development fee was predominantly utilised for meeting its revenue expenses only. Only a miniscule amount was utilised for purchase of furniture and fixture and equipments.



Green Fields Public School, Dilshad Garden, Delhi-110095

The schools were allowed to charge a certain percentage of tuition fee as development fee for the specific purpose of purchase or upgradation of its furniture and fixture or equipments. Further, for charging development fee, maintenance of earmarked development fund and depreciation reserve fund was prescribed as a pre condition by the Duggal Committee. The recommendations of Duggal Committee on this issue were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. It is apparent from the above narrative that the school was not complying any of the pre conditions prescribed by the Duggal Committee for charging the development fee. Hence, in view of the Committee, the charge of development fee by the school was unjustified. Since the Committee has been mandated to examine the issue of fee charged by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its recommendations to the development fee charged by the school in 2009-10 and 2010-11. In normal course, the Committee would have recommended refund of development fee of Rs. 1,38,84,465 charged in 2009-10 and Rs. 1,51,41,795 charged in 2010-11 along with interest @ 9% per annum. However, in view of the determination by the Committee that the school was in deficit to the tune of Rs. 2,74,63,063 in tuition fee account on account of implementation of VI Pay Commission report, and that too without factoring in any provision for accrued liabilities

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For Review of School Fee

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Green Fields Public School, Dilshad Garden, Delhi-110095

of gratuity, leave encashment and reserve for future contingencies, the Committee refrains from doing so.

Recommendations:

In view of the foregoing discussion, the Committee is of the view that no intervention is required either in the matter of tuition fee or in the matter of development fee.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K.Sharma
Member

Dated: 14/07/2014



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[Signature]
Secretary

In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school, vide letter dated 28/03/2012 stated that it had implemented the VI Pay Commission Report w.e.f. February 2009. In support of this, the school attached photocopies of the salary bill for the month of January 2009, which aggregated to Rs. 5,39,082 and the salary bill for February 2009 which aggregated to Rs. 8,38,611. It also stated that the arrears of salary for the period 01/01/2006 to 31/08/2008 amounting to Rs. 37,93,667, had also been paid in November 2009. However, no information was furnished with regard to arrears from September 2008 to January 2009.

With regard to question relating to fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, the school stated that the fee had been hiked in accordance with the said order w.e.f. September 2008. It further stated that the school had received arrear fee also from the students and this amounted to Rs. 34,44,865. Accordingly, the school was placed in Category 'B'.

In order to verify the returns filed by the school under Rule 180 of Delhi School Education Rules, 1973 and the relevant figures of hike in salaries and fee for the purpose of implementation of VI Pay Commission report, the Committee issued a notice dated 24/07/2013 requiring the school to produce its fee records, salary records, bank statements, books of accounts and copies of its provident fund and TDS returns in the office of the Committee on 23/08/2013. As the



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school was found to be charging development fee also, a questionnaire eliciting information regarding collection and utilisation of development fee, its accounting treatment and the maintenance of development fund and depreciation reserve fund was issued along with the aforesaid notice. On the scheduled date, Ms. Madhu Sharma, a TGT of the school appeared and produced the relevant records. The records were examined by Sh. N.S. Batra, audit officer of the Committee. After examining the records, he observed as follows:

- (a) The school hiked the tuition fee to the maximum extent permitted by the order dated 11/02/2009 issued by the Director of Education in the year 2009-10. The tuition fee charged in 2009-10 vis a vis that charged in 2008-09 and 2010-11 vis a vis that charged in 2009-10 was as follows:

(b) Class	Tuition Fee charged in 2008-09 (Rs.)	Tuition Fee charged in 2009-10 (Rs.)	Increase in Tuition Fee in 2009-10 (Rs.)	% age Increase	Tuition fee charged in 2010-11 (Rs.)	Increase in Tuition Fee in 2010-11 (Rs.)	% age increase
(c) I to V	695	895	200	28.78%	985	90	10.00%
VI to VIII	815	1015	200	24.54%	1120	105	10.30%
IX-X	1095	1395	300	27.39%	1535	140	10.00%

- (b) The school also recovered arrears from the students @ Rs. 1400 for classes I to VIII and Rs. 2100 from students of class IX & X for the seven months period i.e. September 2008 to March 2009.

- (c) The school is charging development @ 15% of tuition fee. The school also increased annual charges by Rs. 500 per

Dayanand Public School, Model Town-III, Delhi-110009 000456

annum in 2009-10 and again Rs. 500 per annum in 2010-11.

(d) No adverse features were noticed in the maintenance of the accounts.

(e) The school had implemented the VI Pay Commission report w.e.f. February 2009. Monthly outgo on salary for January 2009 was Rs. 5,39,082 while that for February 2009 it was Rs. 8,38,611 on account of implementation of VI Pay Commission report.

(f) Proper deductions for provident fund and TDS were made from the salaries and appropriate returns were filed with the authorities.

In order to provide an opportunity of being heard to the school, the Committee issued a notice dated 25/11/2013, requiring the school to appear before the Committee on 10/12/2013. On the scheduled date, Sh. Ashok Bhutani, Manager and Ms. R. Sandheer, Principal of the school appeared with Ms. Gayatri, Accounts Assistant. They were partly heard by the Committee on that date. In order to respond to the queries raised by the Committee, they sought further time. At their request the matter was directed to be relisted on 22/01/2014 on which date the hearing was concluded. During the course of the two hearings, the representatives of the school contended that:



- (a) The school implemented the VI Pay Commission report w.e.f. February 2009. The monthly expenditure on salary went up from 5,51,122 to Rs. 8,56,829 on account of increased salaries.
- (b) Arrears of salary amounting to Rs. 37,93,667 were paid for the period 01/01/2006 to 31/08/2008. However, no arrears were paid for the period 01/09/2008 to 31/01/2009.
- (c) The school recovered the arrear fee for the period to 01/01/2006 to 31/03/2009 and the regular hike in fee in terms of order dated 11/02/2009 was effected from April 2009.
- (d) The school had an accrued liability for gratuity payable to the staff, which amounted to Rs. 53,69,794 as on 31/03/2010. Similarly, the accrued liability on account of leave encashment as on that date was Rs. 13,88,536. In support, detailed calculations as certified by M/s. Bhawani Sharma & Co., Chartered Accountants were filed.
- (e) The development fee was treated as a revenue receipt and no development fund or depreciation reserve fund were maintained by the school. Further, the development fee for the year 2008-09 was originally charged @ 10% of tuition fee but the arrears of development fee for the period 01/09/2008 to 31/03/2009 were recovered @ 15% of tuition fee.

Discussion & Determination:**Tuition Fee:**

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the two questionnaires issued by the Committee, the observations of the audit officer of the Committee and the submissions made by the school during the course of hearing.

The Committee is satisfied that the school did implement the VI Pay Commission report w.e.f. 01/02/2009 and did pay the arrears for the period 01/01/2006 to 31/08/2008, as claimed by the school. However, the school itself conceded that it did not pay the arrears for the period 01/09/2008 to 31/01/2009 i.e. for four months. It appears that the staff of the school feels satisfied by the substantial compliance of the requirement of implementation of VI Pay Commission report. Therefore, the issue to be examined by the Committee is whether the school had funds of its own so as to be enable to implement the VI Pay Commission report or it needed to hike the fee. Since the fee was hiked with effect from 01/09/2008, the funds available with the school have to be determined with reference to the balance sheet of the school as on 31/03/2008. Perusal of the same shows that the school had a sum of Rs. 67,90,308 available with it in the shape of net current assets as on that date.

The working of the same is as under:

Dayanand Public School, Model Town-III, Delhi-110009

Particulars		Amount (Rs.)	Amount (Rs.)
	Current Assets		
	Cash in hand	20,274	
	Bank Balance	332,333	
	Advance to staff	40,100	
	Fee Receivable	40,350	
	Paramount International	4,935	
	Fixed deposits with accrued interest	6,964,447	
	TDS on FD Interest	67,600	7,470,039
Less:-	Current Liabilities		
	Students Security	631,150	
	Pupil Welfare Fund	34,571	
	TDS Payable	4,935	
	Interest Payable	340	
	Liabilities payable	3,117	
	Audit Fee Payable	5,618	679,731
	Net Current Assets		6,790,308

The question is whether the funds available with the school as on 31/03/2008 could have been utilised by it for implementation of VI Pay Commission report. The Committee notes that the school had accrued liabilities towards gratuity - Rs. 53,69,794 and leave encashment- Rs. 13,88,536 as on 31/03/2010. These liabilities aggregate to Rs. 67,58,330. Thus the entire funds available with the school were required to be kept in reserve for meeting these liabilities. The Committee has also taken a view that the school ought to keep funds in reserve for future contingencies, equivalent to four months salaries. However, since the funds available with the school were merely sufficient to cover its accrued liability of gratuity and leave encashment, the school did not have any funds to be kept in reserve for future contingencies. In view of this position, it was imperative for the school to hike the fee for implementing the VI Pay Commission

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COMMITTEE
For Review of School Fee

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Dayanand Public School, Model Town-III, Delhi-110009

report. Whether the extent of hike was justified or not is the next question to be determined by the Committee. The Committee notes that the monthly salary of the school prior to implementation of VI Pay Commission report was Rs. 5,39,082 and after its implementation it rose to Rs. 8,38,611. Thus the school had to incur an addition expense of Rs. 2,99,529 per month towards salary. This was stated by the school itself in its reply to the questionnaire issued by the Committee. Again the audit officer of the Committee in his observations dated 23/08/2013 confirmed the same figures. Ms. Madhu Sharma, the representative of the school who got the records verified by the audit officer, endorsed the noting of the audit officer by recording on the order sheet as follows:

"I agree with the above observations which are as per record provided by the school."

In view of the foregoing, the contention of the school during the course of hearing on 10/12/2013 that the monthly salary bill went up from Rs. 5,51,122 to Rs. 8,56,829 on implementation of VI Pay Commission report is not accepted. However, the other contention that the school paid arrear salary amounting to Rs. 37,93,667 for the period 01/01/2006 to 31/08/2008 is accepted. Based on these figures, the additional liabilities that befell on the school on implementation of VI Pay Commission report amounted to Rs. 79,87,073, as follows:

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For Review of School Fee

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Arrear of Salary as per 6th CPC	3,793,667	
Incerased Salary as per 6th CPC from 01.02.09 to 31.03.2009	599,058	
Incerased Salary as per 6th CPC for 2009-10	3,594,348	7,987,073

As against this, the additional revenue generated by the school by recovering arrear fee and increased fee in 2009-10, amounted to Rs. 57,27,655 (Rs. 34,44,865 towards arrears and Rs. 22,82,790 towards increased fee). The details, as authenticated by the Manager, were provided by the school itself in the hearing held on 22/01/2014. These also more or less match with the calculations made by the Committee by taking the amount of fee hike and the number of students.

In view of the foregoing facts, the Committee is of the view that the school was actually in deficit to the tune of Rs. 22,59,418 (79,87,073-57,27,655) on implementation of VI Pay Commission report. Therefore, the Committee is of the view that in so far as the hike in tuition fee in pursuance of order dated 11/02/2009 is concerned, no intervention is called for.



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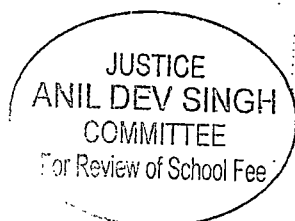
Development Fee:

The school did not furnish any reply to the questionnaire regarding development fee. However during the course of hearing, the school filed the following details of collection of development fee:

Particulars	F.Y. 2008-09	F.Y. 2009- 10	F.Y. 2010- 11
Development Fee for the year	7,68,520	15,14,885	16,54,046
Arrears of development fee for the period 01/09/2008 to 31/03/2009	29,476	3,08,324	4,480

At the outset, it may be noticed that during the course of hearing, the school conceded that the arrears of development fee for the period 01/09/2008 to 31/03/2009 were recovered @ 15% of tuition fee while the development fee originally charged by the school was @ 10% of tuition fee. This is clearly illegal as it amounts to increasing the fee in the middle of the year, which cannot be done without specific approval from the Director of Education as provided in the section 17(3) of the Delhi School Education Act, 1973. However, keeping in view the overall picture and also the fact that the total arrears of development fee collected by the school have already been taken into account while determining the deficiency suffered by the school on implementation of VI Pay Commission report, no separate recommendation is being made for this.

With regard to the development fee charged in 2009-10 and 2010-11 in pursuance of order dated 11/02/2009 of the Director of Education, the Committee notes that the school was not fulfilling any of



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the pre conditions laid down by the Duggal Committee which were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. The school was treating the development fee as a revenue receipt and no development fund or depreciation reserve fund were separately maintained as conceded by the representatives of the school during the hearing on 10/12/2013. Normally we would have recommended the refund of development fee charged in 2009-10 amounting to Rs. 15,14,885 and Rs. 16,54,046 in 2010-11. However, keeping in view that the school was in deficit to the tune of Rs. 22,59,418 and did not have any funds available with it for maintaining reserve for future contingencies, which itself would have been around Rs. 32.00 lacs, based on monthly salary bill of Rs. 8.38 lacs, the Committee refrains from recommending refund of any part of development fee.

Recommendations:

In view of the foregoing discussion, the Committee is of the view that no intervention is called for either in the matter of tuition fee or in the matter of development fee.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 12/05/2014

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Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

In reply to the questionnaire dated 27/02/2012 issued by the Committee, the school vide its letter dated 29/02/2012 submitted that the school had implemented the VI Pay Commission report w.e.f. 01/04/2009. Along with the reply, the school also furnished details of monthly salary of the staff before implementation of VI Pay Commission report as well as after its implementation. As per the details submitted, the monthly salary bill had risen from Rs. 3,03,951 to Rs. 5,16,980 on implementation of VI Pay Commission. With regard to hike in fee however, the school submitted that it had not hiked the fee in terms of order dated 11/02/2009 issued by the Director of Education. With regard to arrears, it was submitted that neither the arrear fee was collected from the students nor the arrear salary was paid to be staff. In effect, the school stated that it had prospectively implemented the VI Pay Commission report w.e.f. 01/04/2009, without effecting the fee hike as envisaged in the aforesaid order dated 11/02/2009. Accordingly the school was initially placed in category 'C'. The categorization was changed to 'B' in view of the subsequent discovery that the school had in fact hiked the fee.

In order to verify the contention of the school that it had not hiked the fee as per order dated 11/02/2009, the Committee, vide its letter dated 16/04/2012 required the school to produce its fee records and books of accounts for the year 2008-09 to 2010-11 on 27/04/2012. On the date fixed for verification, Sh. Anil Malhotra,



Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

Accounts Manager of the school appeared and produced the required records which were verified by Ms. Sunita Nautiyal, audit officer of the Committee. After examining the records produced by the school and the annual returns filed by the school under Rule 180 of Delhi School Education Rules, 1973, she observed that contrary to the claim of the school that it had not hiked the fee in terms of order dated 11/02/2009, the school had in fact hiked the fee for the year 2009-10 and such hike ranged between 21.6% and 25.3% for different classes.

On perusal of the fee schedules for the years 2008-09 and 2009-10, the Committee observed that the school had hiked the tuition fee as follows:

Class	Monthly Tuition fee in 2008-09 (Rs.)	Monthly tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)	Percentage increase
I to V	740	900	160	21.6%
VI	790	990	200	25.3%
VII & VIII	815	1000	185	22.7%

Preliminary calculations were made by the Chartered Accountants detailed with the Committee (CAs). On reviewing the same, the Committee observed that the CAs had calculated the additional revenue on account of fee hike by resorting to certain calculations. They worked out that the incremental fee revenue of the school for the year 2009-10 was Rs. 13,48,680. Since the school had not recovered any arrear fee, the Committee was of the view that the

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COMMITTEE
For Review of School Fee

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Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

figures of fee as appeared in the audited Income & Expenditure Accounts of the school for the years 2008-09 and 2009-10 could be taken as the basis for calculating the incremental fee revenue in the year 2009-10 and there was no need to resort to such calculations. The incremental fee revenue in the year 2009-10, as discernible from the audited financials of the school was Rs. 29,72,977. The calculations made by the CAs were therefore discarded and the Committee directed one of its audited officer to prepare a fresh calculation sheet based on the figures as appearing in the audited financials of the school. The fresh calculations made by the audit officer showed that the school had available with it funds amounting to Rs. 6,01,316 as on 31/03/2009. The incremental fee revenue accruing to the school in 2009-10 amounted to Rs. 29,72,977 while the additional expenditure on account of salary as a result of implementation of VI Pay Commission report was Rs. 24,29,065. After taking into account the funds available with the school at the threshold, she calculated that apparently the school had generated a surplus of Rs. 11,45,228 by hiking the fee in terms of order dated 11/02/2009 issued by the Director of Education.

Accordingly the school was issued a notice dated 22/01/2014 for providing it an opportunity of being heard on 06/02/2014. Along with the notice, a copy of the preliminary calculation sheet prepared by the audit officer of the Committee was also furnished to the school



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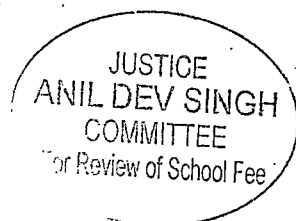
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Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

for its comments. No one appeared from the school on this date. However, the Committee received a letter dated 29./01/2014 from the school seeking adjournment of hearing on account of pre occupation of the counsel of the school on that date. A fresh notice of hearing dated 06/02/2014 was issued fixing the next dated of hearing as 06/03/2014. On this date, Sh. Rajiv Malhotra, Manager of the school appeared with Sh. Ramesh Goyal, Chartered Accountant. They filed written submissions dated 06/03/2014, justifying the fee hike. The school did not controvert the preliminary calculation sheet issued by the Committee, per se but contended that the school had a large liability of around Rs. 56.93 lacs on account of accrued gratuity as on 31/03/2010 which the Committee ought to consider while making its recommendations. They further contended that the school ought to be allowed to retain adequate reserve for meeting any future contingency. It was also contended that the school did not charge any development fee from the students.

Discussion & Determination:

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the Committee, the details provided by the school during the course of hearing, the calculation sheet prepared by the audit officer of the



Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

Committee and the written and oral submissions made by the representatives of the school during the course of hearing.

Before proceeding further, it would be appropriate to reproduce here below the preliminary calculation sheet prepared by the audit officer of the Committee:

Statement showing Fund availability of as on 31-03-2009			
	Particulars	Amount (Rs.)	Amount (Rs.)
	<u>Current Assets + Investments</u>		
	Cash in hand	23,403	
	FDR with Banks	1,075,374	
	Canara Bank 16677	107,480	
	Canara Bank 22565	5,635	
	Canara Bank 22567	104,697	
	Canara Bank Reserve Fund	62,668	1,379,258
Less:-	<u>Current Liabilities</u>		
	Sundry Creditors	170,101	
	Salary Payable	260,627	
	Provident Fund Payable	46,689	
	Electricity & Water Expenses Payable	13,640	
	Telephone Expenses Payable	872	
	Rattan Lal Goyal	5,500	
	Ramesh Goyal & Associates	16,545	
	Professional Charges	25,600	
	Rent Payable	10,000	
	Security Refundable	228,368	777,942
	Net Current Assets		601,316
Less:-	Incrased Salary in 2009-10 (as per calculation given below)		2,429,065
	Excess / (Short) Fund Before Fee Hike		

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Add:-	Increased fee from 1-4-09 to 31-3-10	(1,827,749)
		2,972,977
	Excess / (Short) Fund After Fee Hike	1,145,228

Working notes:

Increase in Salary in 2009-10 as per Income & Expenditure Account		
Salary for 2009-10	5,942,781	
Less: Salary for 2008-09	3,513,716	
Incremental salary for 2009-10	2,429,065	
Increase in fee in 2009-10	2008-09	2009-10
Tuition fee & other receipts	4,237,393	6,891,345
Fund received	877,545	1,196,570
Total	5,114,938	8,087,915
Increase in fee in 2009-10	2,972,977	

It is apparent from the above calculation sheet that the same does not factor in the requirement of the school for keeping adequate funds in reserve for meeting future contingencies. The Committee has taken a view in the case of other schools that the school ought to retain funds equivalent to four months' salary for meeting any unforeseen future contingency. The annual expenditure on salary of the school for the year 2009-10 was Rs. 59,42,781, as is apparent from the preliminary calculation sheet. Based on this, the requirement of school for keeping funds in reserve works out to **Rs. 19,80,927.** As against this, the surplus worked out by the audit

Ravindra Memorial Public School, Shakti Nagar, Delhi-110007

officer in the preliminary calculations, with which the Committee agrees, is **Rs. 11,45,228**, without taking into account the requirement of funds to be kept in reserve. The Committee is therefore of the view that even without accounting for the requirement of the school for keeping funds in reserve meeting its liability for gratuity, the school did not have sufficient funds for implementation of VI Pay Commission report and the fee hike resorted to by it did not result in generation of any surplus by the school. The Committee is therefore of the view that the school was justified in hiking its fee in 2009-10, to the extent it hiked. It needs to be noted here that the school had not made any claim for hiking the fee over and above the fee hike resorted to by it as per order dated 11/02/2009 of the Director of Education.

Recommendations:

The Committee, therefore, is of the view that no intervention is required in the matter of fee hike effected by the school.

Recommended accordingly.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 05/06/2014



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New Delhi Public School, Vikas Puri, New Delhi-110018 000471

The school had not initially replied to the questionnaire dated 27/02/2012 issued by the Committee. However, the annual returns of the school filed under Rule 180 of Delhi School Education Rules, 1973, were received from the office of the Dy. Director of Education, Distt. West-B, New Delhi. On perusal of these returns, it appeared that the school had hiked the fee in terms of order dated 11/02/2009 issued by the Director of Education and also had implemented the VI Pay Commission report, atleast w.e.f. September 2008. Accordingly the school was placed in category 'B'.

Preliminary calculations were made by the Chartered Accountants detailed with the Committee (CAs). As per these calculations, it prima facie appeared that the school had hiked more fee than was required to offset the additional burden imposed by the VI Pay Commission recommendations. Accordingly the school was issued a notice dated 20/02/2013 for providing it an opportunity of being heard on 19/03/2013 and again for 20/05/2013. On this date, Sh. J.K. Gulati, Office In charge of the school appeared with Sh. Umesh Sharma, accountant. During the course of hearing, it transpired that the school had not yet submitted its reply to the questionnaire issued by the Committee. The representatives of the school were provided with a copy of the questionnaire with directions to submit its reply within one week.



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The school submitted its reply which was received in the office of the Committee on 22/05/2013. Vide its reply, the school stated that it had implemented the VI Pay Commission Report w.e.f. 01/04/2009. It stated that the monthly salary bill for the month of March 2009 was Rs. 5,48,502, which rose to Rs. 6,76,739 in the month April 2009 consequent to implementation of VI Pay Commission report. The school also claimed to have paid arrears of salary amounting to Rs. 18,86,178 for the period September 2008 to March 2009.

With regard to question relating to fee hike in pursuance of order dated 11/02/2009 issued by the Director of Education, the school stated that the fee had been hiked in accordance with the said order w.e.f. September 2008. It enclosed the fee structures for the years 2008-09 and 2009-10 showing the hike in fee w.e.f. 01/04/2009.

A perusal of the fee structures for the aforesaid two years shows that the school hiked the fee in 2009-10, to the following extent.

Class	Monthly tuition Fee in 2008-09 (Rs.)	Monthly tuition Fee in 2009-10 (Rs.)	Increase in 2009-10 (Rs.)
I to V	875	1075	200
VI to VIII	975	1175	200
IX to X	1100	1400	300
XI & XII (Commerce)	1250	1550	300
XI & XII (Science)	1300	1600	300

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The school also claimed to have recovered arrear fee amounting to Rs. 5,96,500 and enclosed copies of its ledger accounts for 2008-09 and 2009-10 in support of its claim.

The response of the school to the questions relating to development fee will be discussed when we discuss the issue of development fee.

The school was again asked to file details of the salary payment and payment of arrears along with its bank statements as there appeared to be certain discrepancies in the reply given by the school to the questionnaire issued by the Committee vis a vis the audited financials of the school. The school filed the details on 17/07/2013. On perusal of these details, the Committee observed that as against the claim of the school of having made payment of salary arrears amounting to Rs. 18,86,178, the school furnished details of only the following payments on this account:

Arrears for the month of January 2009 paid in March 2009	2,58,558
Arrears for the month of February 2009 paid in March 2009	2,92,681
Arrears for the month of March 2009 paid in September 2010	2,76,046
Arrears for the month of September 2008 paid in April 2013	1,13,019
Total	9,40,304

The school in its written submissions dated 20/01/2014 revised its stand. It now stated that Rs. 18,86,178 was the total liability of



New Delhi Public School, Vikas Puri, New Delhi-110018

arrears out of which only Rs. 9,40,304 had been paid by April 2013 while the remaining amount of Rs. 9,45,874 was still outstanding. It is noteworthy that in giving the detail of arrear fee, the school mentioned only the amount actually recovered on account of arrear fee. The amount which was still due to be recovered was not mentioned.

Based on the fresh information provided by the school, the Committee prepared a fresh calculation sheet. A copy of the same was provided to the school on 25/11/2013 for its comments and rebuttal if any. The revised preliminary calculations were as follows:

Statement showing Fund availability of as on 31-03-2008			
	Particulars	Amount (Rs.)	Amount (Rs.)
	Current Assets + Investments		
	Cash in hand	49,389	
	UTI Bank (CA 2486)	58,695	
	OBC (1474)	6,753	
	Fixed Deposits with accrued interest	1,820,999	
	M/S Redox Technologies	43,000	
	TDS	8,929	
	TDS Recoverable	2,000	
	Total Liquid Assets		1,989,765
Less	Current Liabilities		
	Expenses Payable	555,508	
			555,508
	Net Current Assets + Investments		1,434,257
Less	Arrear of Salary as per 6th CPC w.e.f. 01.09.2008 to 31.03.2009	1,488,806	
	Increased Salary Payable as per 6th CPC from 01.04.09 to 31.03.2010	2,932,602	4,421,408
	Excess / (Short) Fund Before Fee Hike		(2,987,151)
Add	Fee Hiked and Recovered for implementation of 6th CPC		
	From 1-9-08 to 31-3-09 (As per Questionnaire Attached)	1,568,700	
	From 1-4-09 to 31-3-10	2,738,400	4,307,100
	Excess / (Short) Fund After Fee Hike		1,319,949

Inadvertently, in the revised preliminary calculations, salary for March 2009 amounting to Rs. 5,48,502, was included in the arrear payment. Consequently, the incremental salary for 2009-10 would be Rs. 23,84,100 and the payment of arrear salary would be Rs. 9,40,304. However, the school in its written submissions has taken note of this discrepancy and is therefore, not prejudiced in any way by the mistake of the Committee. The matter was posted for hearing on 13/12/2013 on which date the school sought some more time for making its submissions. Accordingly the matter was directed to be relisted on 22/01/2014. On this date, Sh. Y.N. Singh and Sh. Umesh Sharma appeared and filed written submissions, justifying the fee hike. In the written submissions, the school contended as follows:

Submissions:

- (a) The school disputed only the following figures as taken by the Committee in its preliminary calculation sheet:

Particulars	Amount as per Preliminary Calculation Sheet	Amount as per calculation sheet of the school
Arrear of salary from 01/09/2008 to 31/03/2009	14,88,806	18,86,178
Incremental Salary for F.Y. 2009-10	29,32,602	22,71,081
Arrear fee recovered	15,68,700	5,96,500
Incremental fee	27,38,400	17,56,175

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ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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New Delhi Public School, Vikas Puri, New Delhi-110018

- (b) The Committee has not factored in the additional liability on account of gratuity/leave encashment amounting to Rs. 9,28,516.
- (c) The school admitted that out of the total liability for arrears of salary amounting to Rs. 18,86,178, till 30/04/2013, only a sum of Rs. 9,40,304 had been paid and the balance amount of Rs. 9,45,874 was still payable.
- (d) The school was able to collect only Rs. 5,96,500 as arrear fee as against the total amount recoverable which was Rs. 15,68,700. This was on account of the refusal of the parents to make payment of arrear fee and the school could only request but not force the parents to pay.
- (e) The increase in tuition fee was Rs. 17,56,175 as is evident from the audited accounts of the school.
- (f) The school needs a reserve equivalent to four months' salary for future contingencies which works out to Rs. 27,85,884 besides it is required to maintain reasonable reserve of 10% as per Rule 177 of Delhi School Education Rules, 1973.

Discussion & Determination:**Tuition Fee:**

The Committee has perused the returns of the school filed under Rule 180 of the Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the

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New Delhi Public School, Vikas Puri, New Delhi-110018

Committee, the details provided by the school during the course of hearing, the preliminary calculation sheet prepared by the CAs and the revised calculation sheet prepared by the audit officer of the Committee and the written and oral submissions made by the representatives of the school during the course of hearing.

The Committee acknowledges that in the preliminary calculation sheet prepared by one of its audit officers, a mistake was committed in working out the surplus with the school after implementation of VI Pay Commission report. The mistake was inclusion of salary for March 2009 in the figure of arrear payment of salary, which resulted in double difference. Both the arrear payment and the incremental salary in 2009-10 got overstated to the tune of Rs. 5,48,502. This resulted in the final figure of surplus funds to be understated by Rs. 10,97,004. Thus the final figure of surplus fund with the school after implementation of VI Pay Commission report was Rs. 24,16,953 and not Rs. 13,19,949 originally taken. However, as noticed above, the school has taken notice of this mistake in its written submissions and therefore the school was not prejudiced in any manner. The Committee will proceed on the basis that the surplus available with the school after implementation of VI Pay Commission report was Rs. 24,16,953. However, the Committee agrees with the submission of the school that due allowance should be made for reserve for future contingencies and accrued liabilities of gratuity and leave

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encashment. The Committee accepts the contention of the school that it had accrued liability of Rs. 5,96,181 on account of gratuity and Rs. 2,59,019 on account of leave encashment as on 31/03/2008. These liabilities have necessarily to be taken into account while working out the funds available for implementation of VI Pay Commission report. The Committee has determined that the school had a sum of **Rs. 1,434,257** available with it as on 31/03/2008. This has not been disputed by the school also. After accounting for the liabilities towards gratuity and leave encashment amounting to **Rs. 8,55,200**, the threshold funds available with the school were **Rs. 5,79,057**. As against this, the requirement of school for reserve for future contingencies was **Rs. 27,85,884**. Therefore, in view of the Committee, the school did not have any funds available with it which could have been used for implementation of VI Pay Commission report. In view of this finding, the school needed to hike the fee for implementation of VI Pay Commission report. Whether the extent of fee hike effected by the school was justified or not is the only question that remains to be determined.

As noticed above, the school appeared to be taking a contradictory stand about the amounts of arrear fee and hiked fee actually due vis a vis that actually received. The school wants to have different standards for calculating the fee hike and salary hike. While it wants the actual amount of fee recovered to be taken into



New Delhi Public School, Vikas Puri, New Delhi-110018

calculations, when it comes to salary, it wants the total amount due that should be taken into consideration and not just the amount actually paid. This is clearly impermissible. The school cannot have the cake and eat it too. The Committee is of the view that in view of the uncertainty about recovery of arrear fee from the parents, the actual amount recovered ought to be taken into consideration. With the same logic, the actual amount of arrear salary that has been paid ought to be taken into consideration. The relevant calculations are as follows:

Particulars		Amount (Rs.)
(i)	Arrear fee for the period 01/09/2008 to 31/03/2009 recovered (as per the contention of the school)	5,96,500
(ii)	Incremental fee of F.Y. 2009-10 recovered (as per the contention of the school)	<u>17,56,175</u>
		23,52,675
(i)	Arrear Salary for the period 01/09/2008 to 31/03/2009, paid (as per the contention of the school)	9,40,304
(ii)	Incremental salary of F.Y. 2009-10 paid (as per the contention of the school)	<u>22,71,081</u>
		32,11,385

As would be apparent from the above figures, the school was actually in deficit to the tune of Rs. 8,58,710 after implementation of VI Pay Commission report. The school may still recoup, partially or fully this deficiency by recovering the balance amount of arrear fee, at the time of passing out or early leaving of students. In view of this

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determination, the Committee is of the view that in so far as the tuition fee is concerned, no intervention is required.

Development Fee:

In reply to the questionnaire regarding development fee, the school contended that it was charging development fee in all the five years i.e. 2006-07 to 2010-11, for which information was sought by the Committee. In the years 2009-10 and 2010-11, it recovered development fee amounting to Rs. 12,79,725 and Rs. 15,31,475 respectively. Till 2007-08, the development fee was treated as a capital receipt but from 2008-09 to 2010-11, it was treated as a revenue receipt. However, the school was not maintaining any earmarked development fund or depreciation reserve fund either by way of the separate bank account or by investing in specified FDRs or investments. The school claimed that till 2008-09, the development fee was fully utilised by purchasing fixed asset but in 2009-10 and 2010-11, it was utilised only to the extent of 7,17,320 and Rs. 4,37,197 respectively.

The Committee has considered this reply and also gone through its audited financials. The school itself admits that it had been treating development fee as a revenue receipt since 2008-09 and this position is also corroborated by its audited financials. Further, the school concedes that neither earmarked development fund account was maintained nor depreciation reserve fund was maintained. The



New Delhi Public School, Vikas Puri, New Delhi-110018

essential pre conditions for charging development fee as laid by the Duggal Committee are (a) treatment as capital receipt, (b) maintenance of earmarked development fund and depreciation reserve fund accounts and (c) utilisation for purchase or upgradation of furniture and fixtures or equipments. The school is not entitled to charge any development fee if these pre conditions are not fulfilled. These recommendations of Duggal Committee were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583. In view of this, so far as the development fee charged in 2009-10 and 2010-11, with which the Committee is concerned, we are of the view that the same was not charged in accordance with law. We would have recommended its refund along with interest @ 9% per annum. However, in view of the fact that the school was in deficit to the tune of Rs. 8,58,710 in tuition fee account after implementation of VI Pay Commission report and as against its requirement of Rs. 27,85,884 for reserve for future contingencies, the school had funds only to the tune of Rs. 5,79,057, and further there was an incremental liability on account of gratuity and leave encashment between 31/03/2008 and 31/03/2010 which amounted to Rs. 9,28,516, which had not been factored in while making calculations for justification of hike in tuition fee, the Committee is of the view that due regard for these ought to be given before the Committee recommends refund of development fee. Whether any

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

New Delhi Public School, Vikas Puri, New Delhi-110018

amount ought to be refunded would be determined as a result of the following calculations:

Particulars		Amount (Rs.)
Development fee charged in 2009-10	12,79,725	
Development fee charged in 2010-11	15,31,475	28,11,200
Less:		
(i) Deficit in tuition fee	8,58,710	
(ii) Deficit in funds for future contingencies	22,06,827	
(iii) Incremental liability of gratuity and leave encashment	9,28,516	39,94,053

In view of the foregoing determinations, the Committee refrains from recommending any part of development fee charged by the school in 2009-10 and 2010-11.

Recommendations:

The Committee, therefore, is of the view that no intervention is required either on account of tuition fee or on account of development fee.

Recommended accordingly.

Sd/-

Sd/-

Sd/-

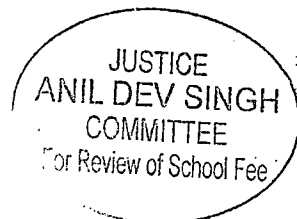
CA J.S. Kochar
Member

Justice Anil Dev Singh (Retd.)
Chairperson

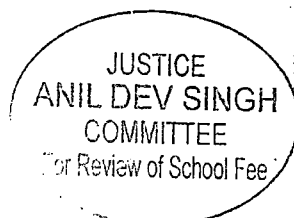
Dr. R.K. Sharma
Member

Dated: 29/05/2014

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1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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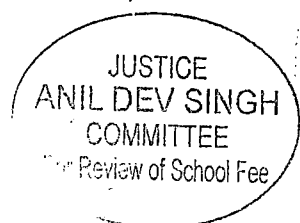
Jai Bharti Public School, Badarpur, New Delhi - 110044

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4. With a view to verify the returns, the Office of the Committee vide its notices dated 15.07.2013 required the school to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire on 08.08.2013. On 08.08.2013 Shri Nand Lal Gauba, Manager and Mrs. Neelam, Admn. Incharge attended the office of the committee, but could not produce complete record. They requested for another date to produce the complete record. At their request the school was directed to produce complete record on 06.09.2013.

5. On 06.09.2013, Shri Nand Lal Gauba, Manager and Mrs. Neelam, Admn. Incharge of the school attended the office of the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -



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Jai Bharti Public School, Badarpur, New Delhi - 110044

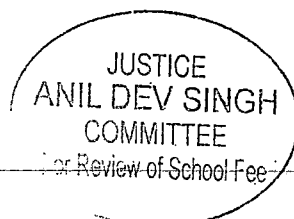
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- (i). The school had increased tuition fee in 2009-10, by Rs.20/- to Rs.40/- per month for all classes. During 2010-11 the hike had been by Rs. 20/- to Rs.50/- for different classes.
- (ii). The school had not implemented the recommendations of the 6th Pay Commission.

7. By notice dated 19.06.2014 the school was asked to appear on 10.07.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 10.07.2014, Sh. Nand Lal Gauba, Manager, Sh. Vasudev Sharma, Accountant and Sh. Mahesh Gauba of the school appeared before the Committee. It was contended by them that the school hiked the fee in 2009-10 and 2010-11, within the range of 10% and the recommendations of the 6th Pay Commission had not been implemented. Further, the school never collected development fee from the students.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.



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Secretary

Jai Bharti Public School, Badarpur, New Delhi - 110044. * 000486

The school has hiked the fee within the tolerance limit of 10% in 2009-10 and 2010-11 and has not charged development fee from the students. The school has also not implemented the recommendations of 6th Pay Commission.

Discussion and Recommendations

Re. Fee Hike

Since the school has not utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee and the hike was within the tolerance limit of 10%, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 25.07.2014

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Secretary

Sant Shri Nand Lal Saraswati Vidya Mandir, Palam Colony,New Delhi-110045

000487

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

Sant Shri Nand Lal Saraswati Vidya Mandir, Palam Colony,New Delhi-110045

000488

4. With a view to verify the returns, the Office of the Committee vide its notices dated 10.07.2013 and 26.07.2013 required the school to appear on 03.09.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 03.09.2013, Ms. Indu Tripathi, H.M. and Mrs. Ranjana, Teacher of the school appeared before the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had not implemented the recommendations of the 6th Pay Commission and had not hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school had also not charged development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, by Rs.120/- per month for classes I to V and by Rs.110/- for class VI to VIII. During 2010-11, the school had not hiked the fee for any class.

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W
Secretary

Sant Shri Nand Lal Saraswati Vidya Mandir, Palam Colony,New Delhi-110045

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- (ii). The benefit of recommendations of 6th.Pay Commission had not been extended to the staff.
- (iii) The salary to the staff had been paid in cash in-spite of the school having a bank account.
- (iv) The school had never deducted Income Tax and P.F. from the salary of the staff.

7. By notice dated 02.05.2014 the school was asked to appear on 29.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 29.05.2014, Ms. Indu Tripathi, H.M. and Mrs. Ranjana, Teacher of the school appeared before the Committee. It was fairly conceded by them that the school did hike the fee in 2009-10, but that should be viewed in conjunction with the fact that the school did not hike the fee in 2010-11. The recommendations of the 6th Pay Commission were not implemented. It was also stated that the school did not charge development fee.



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Secretary

Sant Shri Nand Lal Saraswati Vidya Mandir, Palam Colony,New Delhi-110045

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9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to II	280	400	120	400	NIL
III to V	330	450	120	450	NIL
V to VIII	390	500	110	500	NIL

10. From the above, it is manifest that the school has increased the fee during the years 2009-10, though, marginally in excess of the prescribed limit of the order of the Director of Education dated 11.02.2009, but during 2010-11, there was no hike in fee. The school is working on low fee base.

11. The school has not implemented the recommendations of the 6th Pay Commission.

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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M
Secretary

Sant Shri Nand Lal Saraswati Vidya Mandir, Palam Colony,

000491

New Delhi-110045

12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and Recommendations

Re. Fee Hike

The school, though, has utilised the order of the Director of Education dated 11.02.2009 for increasing the fee in 2009-10, but during 2010-11, there was no hike. The school is also working on low fee base. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 03.06.2014



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Secretary

Solanki Public School, Nasirpur Dabri Road, Durga Park,

New Delhi - 110045

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1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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W
Secretary

Solanki Public School, Nasirpur Dabri Road, Durga Park,

New Delhi - 110045

.. 000493

4. With a view to verify the returns, the Office of the Committee vide its notices dated 10.07.2013 and 25.07.2013 required the school to appear on 03.09.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 03.09.2013, Mrs. Indra Devi, Manager and Sh. S.K.Sharma, P/T Accountant of the school appeared before the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April 2009 and had hiked the fee w.e.f. April 2009, in terms of the order of the Director of Education dated 11.02.2009. The school did not charge the development fee from the students.

6. The record, in the first instance, was examined by Shri A.D.Bhateja, Audit Officer of the Committee. He observed to the effect that: -

(i). The school had increased tuition fee in 2009-10, by Rs.100/- per month for all classes in terms of the order of the Director of



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W
Secretary

Solanki Public School, Nasirpur Dabri Road, Durga Park,New Delhi - 110045

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Education dated 11.02.2009. During 2010-11, the school had not hiked the fee for any class.

- (ii). The school had partially implemented the recommendations of 6th.Pay Commission as D.A. and T.A. had not been paid as per the prescribed norms.
- (iii) The salary to the staff had been paid in cash in-spite of the school having a bank account.
- (iv) The school had never deducted T.D.S. and P.F. from the salary of the staff.

7. By notice dated 02.05.2014 the school was asked to appear on 29.05.2014 along with the entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 29.05.2014, Mrs. Indra Devi, Manager and Sh. S.K.Sharma, P/T Accountant of the school appeared before the Committee. It was conceded by them that the school hiked the fee in 2009-10, in terms of the order of the Director of Education dated 11.02.2009. But, in respect of the year 2010-11, it was asserted that there was no hike in fee. It was



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Solanki Public School, Nasirpur Dabri Road, Durga Park,New Delhi - 110045

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also stated that the recommendations of the 6th Pay Commission had been partially implemented and the school did not charge development fee. It was admitted that in-spite of the school having a bank account, the salary to the staff was paid in cash without deducting T.D.S.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	380	480	100	480	NIL
VI to VIII	460	560	100	560	NIL

10. From the above, it is manifest that the school had increased the fee during the year 2009-10, in terms of the order of the Director of Education dated 11.02.2009, but during 2010-11, there was no hike in fee. The school is working on low fee base.



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Solanki Public School, Nasirpur Dabri Road, Durga Park,New Delhi - 110045

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11. The school has claimed to have implemented the recommendations of the 6th Pay Commission partially without deducting T.D.S. Salary to the staff is being paid in cash, in-spite of the school having a bank account. In such circumstances the claim of the school to have implemented the recommendations of the 6th.Pay Commission, even partially is not acceptable by the Committee.

12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and RecommendationsRe. Fee Hike

The school, though, has utilised the order of the Director of Education dated 11.02.2009 for increasing the fee in 2009-10, but during 2010-11, there was no hike in fee. The school is also working on low fee base. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

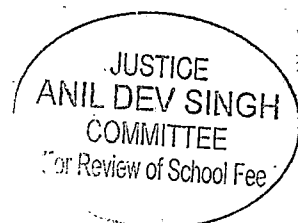
Dated:- 03.06.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member



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[Signature]
Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Secretary

4. With a view to verify the returns, the Office of the Committee vide its notice dated 03.06.2013 required the school to appear on 04.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 04.07.2013, Shri Pradeep Goyal, Manager of the school appeared before the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school neither implemented the recommendations of the 6th Pay Commission nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009.

6. The record, in the first instance, was examined by Shri N.S. Batra, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10, by Rs.50/- per month for classes I to IV, by Rs.100/- for class V, by Rs.200/- for classes IX and X. There was, however, no hike in fee for classes VI to VIII. During 2010-11, the school hiked the fee for classes I, II, IV and VI by Rs.50/- but there was no hike for other classes.
- (ii). The benefit of recommendations of 6th Pay Commission had been given from April 2009.



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Bal Vikas Public School, Paschim Vihar, Delhi-63

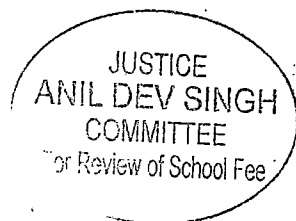
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7. By notice dated 02.05.2014 the school was asked to appear on 29.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 29.05.2014, Shri Pradeep Goyal, Manager and Shri S. Bhardwaj, Accountant, of the school appeared before the Committee. It was stated by them that the school did not hike the fee in 2009-10 in terms of the order of the Director of Education dated 11.02.2009 and the recommendations of the 6th Pay Commission had not been implemented due to financial constraints. It was also stated that the school did not charge development fee.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:



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Bal Vikas Public School, Paschim Vihar, Delhi-63 000500

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to II	700	750	50	800	50
III	750	800	50	800	NIL
IV	750	800	50	850	50
V	750	850	100	850	NIL
VI	850	850	NIL	900	50
VII-VIII	900	900	NIL	900	NIL
IX-X	1000	1200	200	1200	NIL

10. From the above, it is manifest that the school did not increase the fee during the years 2009-10, in terms of the order of the Director of Education dated 11.02.2009, except for classes IX and X but during 2010-11, there was no hike in fee for these two classes. For the remaining classes in 2010-11, either there was no hike or the hike was within the tolerance limit of 10%.

11. As regards the question of implementation of the recommendations of the 6th Pay Commission is concerned, the school did not implement the same. This position is conceded by the representatives of the school.

12. As per the record filed before us, the school has not charged development fee from the students.

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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Secretary

Bal Vikas Public School, Paschim Vihar, Delhi-63

000501

Discussion and RecommendationsRe. Fee Hike

The school though has hiked the tuition fee in 2009-10, for classes IX and X in terms of the order of the Director of Education dated 11.02.2009, but there was no hike in fee in 2010-11 for these classes. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 03.06.2014



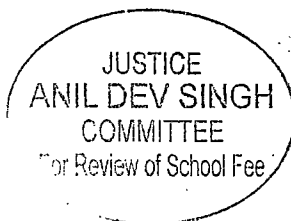
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Secretary

G.N. Public School, Raj Park, Sultanpuri Road, Delhi - 86

000502

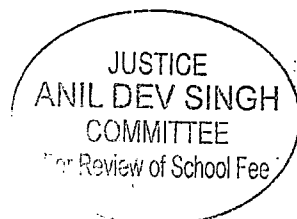
1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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4. With a view to verify the returns, the Office of the Committee vide its notices dated 01.07.2013 required the school to appear on 10.07.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 10.07.2013, Mrs. Indu, Manager and Sh. Vasudev Sharma, P/T Accountant of the school appeared before the Committee. They submitted reply to the questionnaire and produced the record. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. March, 2011, had hiked the fee w.e.f. April 2010, in terms of the order of the Director of Education dated 11.02.2009, and the school did not charge the development fee from the students.
6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -
- (i). The school had not increased tuition fee in 2009-10. During 2010-11, the hike had been by 22.22% to 33.33%.
 - (ii). The school had claimed to have implemented the recommendations of 6th.Pay Commission w.e.f. March, 2011.



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Secretary

G.N. Public School, Raj Park, Sultanpuri Road, Delhi - 86

000504

- (iii). The salary to the staff had been paid in cash in spite of the school having a bank account.
- (iv). The school had never deducted T.D.S. and P.F. from the salary of the staff.
- (v). The school, had not paid full salary for twelve months in a year and during number of months, the salary had been paid for a number of days only.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with the entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, Mrs. Indu, Manager, Ms. Charu, Teacher and Shri Vasudev Sharma, P/T Accountant of the school appeared before the Committee. It was contended by them that the hike in fee by 25% to 33.33% in 2010-11, should not be viewed in isolation as the school did not hike any fee in the years 2008-09 and 2009-10. It was conceded that the recommendations of the 6th Pay Commission had not been implemented as the students come from slum areas and cannot afford to

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Secretary

G.N. Public School, Raj Park, Sultanpuri Road, Delhi - 86

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pay high fees. It was also asserted that the school did not charge development fee.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school. The following chart, which is culled out from the record would show the exact extent of hike in tuition fee during the years 2009-10 and 2010-11:

Class	Tuition Fee during 2008-09	Tuition Fee during 2009-10	Tuition Fee increased in 2009-10	Tuition Fee during 2010-11	Tuition Fee increased in 2010-11
I to V	400	400	Nil	500	100
VI to VIII	450	450	Nil	600	150

10. From the above, it is manifest that the school did not increase the fee during the year 2009-10, but during 2010-11, there was hike in fee by more than 10%. The school is working on low fee base.

11. The school has admittedly not implemented the recommendations of the 6th Pay Commission.



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Secretary

G.N. Public School, Raj Park, Sultanpuri Road, Delhi - 86

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12. As per the record filed before us, the school has not charged development fee from the students.

Discussion and Recommendations

Re. Fee Hike

The school has not hiked the fee in 2009-10 and has also not implemented the recommendations of the 6th Pay Commission. During 2010-11, there was hike in fee by more than 10%, but keeping in view the fact that there was no hike in 2009-10 and the school is working on low fee base, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014



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Secretary

Mandoli Road, Shahdara, Delhi-110032

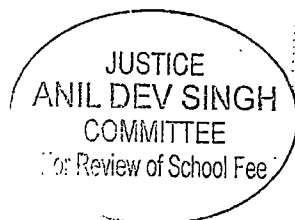
1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.

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4. With a view to verify the returns, the Office of the Committee vide its notices dated 20.08.2013 required the school to appear on 27.09.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. On 27.09.2013, Sh.Satish Kumar, Principal of the school attended the office of the Committee. He did not bring complete record and requested for another date to produce complete record. At his request the school was directed to produce the record on 14.10.2013. No one attended office of the Committee on the scheduled date. The school was provided further opportunities to produce its record on 28.10.2013 and 20.11.2013.
6. On 20.11.2013, Sh.Satish Kumar, H.M. of the school attended the office of the Committee. He submitted reply to the questionnaire and produced the record. As per the reply, the school had neither implemented the recommendations of the 6th Pay Commission, nor hiked the fee in terms of the order of the Director of Education dated

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Panchsheel Golden Public School, Ram Nagar Ext., -000509

Mandoli Road, Shahdara, Delhi-110032

11.02.2009. The school did not charge development fee from the students.

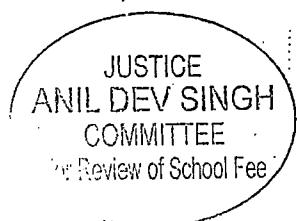
7. The record, in the first instance, was examined by Mrs. Sunita Nautial, AAO of the Committee. She observed to the effect that: -

- (i). The school had not increased tuition fee in 2009-10. During 2010-11, the hike had been by Rs.50/- p.m.
- (ii). The school had been charging low fee, ranging from Rs.200/- to Rs.350/- p.m. during 2008-09, 2009-10 and 2010-11.
- (iii). The school had not implemented the recommendations of 6th.Pay Commission.
- (iv). The salary to the staff had been paid in cash in-spite of the school having a bank account.
- (v). The school had never deducted T.D.S. and P.F. from the salary of the staff.

8. By notice dated 26.06.2014 the school was asked to appear on 23.07.2014 along with the entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

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[Signature]
Secretary

Mandoli Road, Shahdara, Delhi-110032

9. On 23.07.2014, Sh. Satish Kumar, HM of the school appeared before the Committee. It was contended by him that the school had neither implemented the recommendations of the 6th Pay Commission, nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. In 2010-11 the hike in fee was by Rs.50/- p.m. only. The school did not charge development fee from the students. The school was working on low fee base.

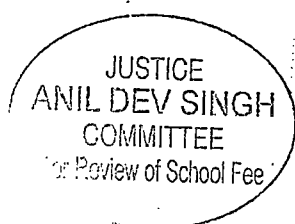
10. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.

Discussion and Recommendations

The school did not increase the fee during the year 2009-10. During 2010-11, there was hike in fee by Rs.50/- p.m. only. The school is working on low fee base. The school has admittedly not implemented the recommendations of the 6th Pay Commission. As per the record filed before us, the school has not charged development fee from the students.

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Panchsheel Golden Public School, Ram Nagar Ext.,

000511

Mandoli Road, Shahdara, Delhi-110032

Re. Fee Hike

The Committee feels that no intervention is required qua the aspect of fee for the following reasons:-

- (i) The school did not hike the fee during the year 2009-10;
- (ii) The hike in the fee during the years 2010-11 was only 10%,
and
- (iii) It is working on a low fee base.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-01.08.2014

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St. Giri Public School, Sarita Vihar, New Delhi-110076 · 000512

The school submitted copies of its annual returns filed under Rule 180 of Delhi School Education Rules, 1973 for the years 2006-07 to 2010-11, fee schedules for the aforesaid years, details of salary paid to the staff before implementation of VI Pay Commission and after its implementation, details of arrears paid to the staff, statement indicating the fee hike effected by the school consequent to order dated 11/02/2009 issued by the Director of Education, and copy of the circular issued to the students regarding fee hike pursuant to the aforesaid order of the Director of Education, to the Dy. Director of Education, Distt. South, under cover of its letter dated 08/02/2012. These documents were forwarded to the Committee. As the school claimed to have implemented the VI Pay Commission report as well as hiked the fee in terms of order dated 11/02/2009 issued by the Director of Education, it was placed in category 'B'.

In order to verify the claims of the school, the Committee issued a notice dated 19/09/2013 requiring the school to produce on 10/10/2013 in its office, its fee records, salary records, books of accounts, the provident fund returns and the TDS return for the years 2008-09 to 2010-11. As the school had not submitted reply to the questionnaire issued by the Committee, the school was also directed to furnish the same. A letter dated 08/10/2013 was received from the school requesting for three weeks time for producing the records. Acceding to the request of the school, the school was advised to produce the requisite records on 29/10/2013. However, on 28/10/2013, another letter was received from the school requesting for three weeks more time. A last opportunity was given to the school to



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produce the records on 20/11/2013. Surprisingly the Committee received another letter dated 19/11/2013 from the school requesting for four weeks more time as the concerned official of the school, who was suffering from dengue, was not attending the school. Finding that the school was avoiding the scrutiny of its records for one reason or the other, the Committee gave a notice of hearing dated 12/12/2013 for providing an opportunity to the school to justify the fee hike effected by it. On 20/01/2014, the date fixed for hearing, Sh. Mohammed Suleman, Member of the Managing Committee, Sh. S.K. Sharma, Accountant and Sh. Kuldeep Singh, Accountant of the school appeared and produced the relevant records. They also filed reply to the questionnaire issued by the Committee with regard to tuition fee as well as development fee. As per the reply, the school stated as follows:

- (a) It had implemented the recommendations of VI Pay Commission report w.e.f. April 2009. The expenditure on salary for the month of March 2009 was Rs. 6,19,763 which rose to Rs. 9,37,314 in April 2009 on implementation of VI Pay Commission report.
- (b) The school had paid arrears amounting to Rs. 22,24,586 on account of retrospective application of VI Pay Commission report.
- (c) The school had hiked the fee w.e.f. April 2009 in terms of order dated 11/02/2009 issued by the Director of Education.
- (d) The school had recovered arrear fee amounting to Rs. 21,41,951 as per the aforesaid order.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

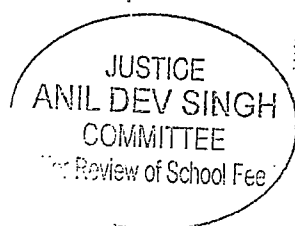
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- (e) The school is charging development fee from the year 2008-09 onwards. It recovered a sum of Rs. 10,52,840 as development in 2008-09, Rs. 12,32,320 in 2009-10 and Rs. 15,66,505 in 2010-11.
- (f) The school had utilised development fee to the extent of 20,22,079 in 2008-09, Rs. 15,03,177 in 2009-10 and Rs. 4,05,754 in 2010-11. The utilisation in 2008-09 to the extent of Rs. 12,40,000 was for purchase of a school bus and Rs. 12,65,000 for the same purpose was incurred in 2009-10.
- (g) The school was treating the development fee as a revenue receipt in its accounts.
- (h) The school was not maintaining any depreciation reserve fund for depreciation on assets acquired out of development fee nor the school was keeping the unutilised development fund in a separate bank account as the entire unutilised development fee was spent in payment of salaries.

The audit officer of the Committee was directed to scrutinize the records produced by the school with reference to the annual returns filed by the school and the reply submitted by the school to the questionnaire issued by the Committee. After examining the records, she made the following observations:

- (a) The school had hiked the tuition fee by Rs. 200 per month for classes pre primary to X and Rs. 300 per month for class XI in 2009-10 in terms of the order dated 11/02/2009 issued by the Director of Education. The fee charged in 2009-10 vis a vis that



St. Giri Public School, Sarita Vihar, New Delhi-110076 000515

charged in 2008-09 from students of different classes was as follows:

Class	Monthly tuition fee for F.Y. 2008-09 (Rs.)	Monthly tuition Fee for F.Y. 2009-10 (Rs.)	Hike in Monthly tuition fee w.e.f. 01/04/2009 (Rs.)
Pre-primary to V	785	985	200
VI to VIII	845	1045	200
IX & X	990	1190	200
XI	1100	1400	300

- (b) The school holds heavy cash balances as cash deposited in the bank generally at the end of the financial year.
- (c) The school paid the arrears of salary in two installments in May 2010 and August 2010. The entire amount of Rs. 8,89,834 paid as arrear salary in May 2010 was by way of bearer cheques. However, the second installment paid in August 2010 amounting to Rs. 13,34,752 was generally by way of account payee cheques except in a few stray cases.

The audit officer of the Committee was directed to prepare a preliminary calculation sheet based on the information furnished by the school and the result of the examination conducted by her. She prepared the following calculation sheet which showed that after accounting for the available funds as on 31/03/2009, additional funds generated by way of fee hike and recovery of arrear fee, the impact of implementation of VI Pay Commission report, the school was left with a surplus of Rs. 24,68,957 and to that extent the fee hike appeared to be unjustified:-



Statement showing Funds available for implementation of VI Pay Commission report			
	Particulars	Amount (Rs.)	Amount (Rs.)
	<u>Current Assets + Investments</u>		
	Cash in hand	354,202	
	Bank Balance (P&S Bank)	759,087	
	FDRs with accrued interest	2,239,957	
	TDS Recoverable	17,475	3,370,721
Less:	<u>Current Liabilities</u>		
	Salary Payable	609,262	
	TDS Payable	4,000	
	PF Payable	18,380	
	Administrative Charges	834	
	N.K. Mahajan & Co.	8,500	
	Electricity Charges	6,131	
	Telephone Charges	1,425	648,532
	Net Current Assets + Investments (Funds available) as on 31/03/2009		2,722,189
	Total Liabilities after VIth Pay		
Less:	Arrear of Salary as per VI th Pay Commission (w.e.f. 01.09.2008 to 31.03.2009 paid by cheque)	1,334,752	
	Increased Salary for 2009-10	3,273,196	4,607,948
	Excess / (Short) Fund Before Fee Hike		(1,885,759)
Add:	Total Recovery after VI th Pay		
	Recovery of Arrear fee	2,141,951	
	Annual increase in Tuition Fee (FY 09-10)	2,212,765	4,354,716
	Excess / (Short) Fund After Fee Hike		2,468,957

Working notes:

<u>Increase in Tuition Fee in 2009-10</u>	2008-09	2009-10
Tuition Fee received as per Income & Exp. A/c	7,027,440	9,240,205
Increase in Tuition fee in 2009-10	2,212,765	
Salary as per Income & Exp. A/c in 2009-10	2008-09	2009-10
Establishment as per Income & Exp. A/c except Staff Welfare	7,279,698	10,552,894
Increase in 2009-10	3,273,196	

JUSTICE
ANIL DEV SINGH
COMMITTEE
for Review of School Fee

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A copy of the preliminary calculation sheet was furnished to the school by the Committee vide its letter dated 20/02/2014 and the school was asked to furnish its comments. As the aforesaid calculation sheet did not factor in the accrued liabilities of gratuity and leave encashment for want of information, the school was also directed to furnish the details of the same.

On 28/03/2014, which was the next date of hearing, the aforesaid representatives of the school appeared and filed written submissions of that date. The school disputed the preliminary calculations made by the audit officer of the Committee and filed its own calculation sheet showing that instead of a surplus of Rs. 24,68,957, the school was in deficit to the tune of Rs. 51,71,357 after implementation of VI Pay Commission report. The school submitted that

(a) The preliminary calculations did not allow any deductions out of the funds available as on 31/03/2009 for the following current liabilities:

- | | |
|---------------------------------------|--------------|
| 1) Amount payable to Indersons Motors | Rs.8,08,892 |
| 2) Advance fee | Rs. 9,24,113 |



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St. Giri Public School, Sarita Vihar, New Delhi-110076 000518

- (b) The preliminary calculations did not factor the arrears of salary paid to the staff in Ist installment which amounted to Rs. 8,89,834.
- (c) The preliminary calculations did not factor in the requirement of the school for keeping funds in reserve amounting to Rs. 39,09,855 towards accrued liability of gratuity (Rs. 7,01,297), accrued liability of leave encashment (Rs. 7,29,506) and reserve equivalent to four months' salary (Rs. 24,79,052).
- (d) The preliminary calculation did not factor in the incremental liability of gratuity and leave encashment amounting to Rs. 11,07,620 for the years 2008-09 and 2009-10.

Discussion:

The Committee has perused the returns filed by the school under Rule 180 of Delhi School Education Rules, 1973, the reply submitted by the school to the questionnaire issued by the Committee, the audited financials of the school, the observations of the audit officer, the preliminary calculation sheet and the response of the school on the same and the information and documents furnished during the course of hearing. The Committee is of the view that the submissions of the school regarding keeping funds aside to meet its accrued liability of gratuity, leave encashment and reserve for future



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contingencies need to be dealt with first. The preliminary calculations did not factor in the liabilities for gratuity and leave encashment for want of information from the school. However, subsequently the school has furnished employee wise detail of its liability for gratuity amounting to Rs. 15,69,696 and for leave encashment amounting to Rs. 9,68,727 as on 31/03/2010. These aggregate to Rs. 25,38,423 as against the surplus calculated in the preliminary calculation sheet which amounts to Rs. 24,68,957. The Committee has taken a consistent view that the entire funds available with the school ought not to be considered as available for implementation of VI Pay Commission report. The schools must keep in reserve funds for meeting its accrued liabilities of gratuity, leave encashment and reserve for future contingencies. If the liabilities of gratuity and leave encashment are considered, the entire surplus of Rs. 24,68,957 determined in the preliminary calculation sheet gets wiped out. In this view of the matter, the Committee is of the view that the school was justified in hiking the tuition fee to the extent it did and no intervention is required qua the tuition fee.

Development Fee:

As per the reply of the questionnaire regarding development fee, which has been extracted supra, the school was not fulfilling any of the pre conditions prescribed by the Duggal Committee regarding



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charging development fee. Admittedly, the school was treating the development fee as a revenue receipt and not maintaining any separate accounts for unutilised development fee and depreciation reserve in respect of assets created out of development fee. Further, the utilisation of development fee in 2008-09 and 2009-10 was also not for the prescribed purposes of purchase and upgradation of furniture, fixture and upgradation but was mainly for purchase of school buses. In 2010-11, the utilisation of about Rs. 11.61 lacs out of a total collection of Rs. 15.65 lacs was for incurring revenue expenses.

The recommendations of Duggal Committee on this issue were affirmed by the Hon'ble Supreme Court in the case of Modern School vs. Union of India (2004) 5 SCC 583.

Hence, in view of the Committee, the charge of development fee by the school was unjustified. Since the Committee has been mandated to examine the issue of fee charged by the schools in pursuance of order dated 11/02/2009 issued by the Director of Education, the Committee is restricting its recommendations to the development fee charged by the school in 2009-10 and 2010-11. In normal course, the Committee would have recommended refund of development fee of Rs. 12,32,320 charged in 2009-10 and Rs. 15,66,505 charged in 2010-11 (total Rs. 27,98,825), along with



interest @ 9% per annum. However, as noticed supra while dealing with the issue of tuition fee, the school was in deficit to the tune of Rs.69,466 (25,38,423-24,68,957) on implementation of VI Pay Commission report and while calculating this deficit, the Committee had not taken into account the reserve for future contingencies. The total expenditure on salaries in 2009-10 was Rs. 10,552,894. Based on this, the requirement of reserve equivalent to four months salary works out to Rs. 35,17,631. Since the requirement of reserve for future contingencies is more than the development fee which in view of the Committee was not charged in accordance with law, the Committee refrains from recommending any refund out of development fee.

Recommendations:

In view of the foregoing discussion, the Committee is of the view that no intervention is required either in the matter of tuition fee or in the matter of development fee.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 14/07/2014



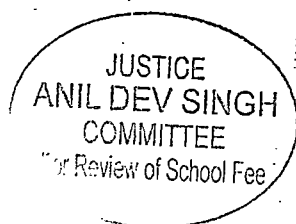
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Secretary

J.N. International School, Village Aali, Badarpur, New Delhi - 44

000522

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.



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4. With a view to verify the returns, the Office of the Committee vide its notice dated 23.07.2012 required the school to appear on 09.08.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, no one appeared. The Committee vide notice dated 14.08.2012 directed the school to attend the Office of the Committee with complete record on 30.08.2012. Again, no one appeared on 30.08.2012 to produce the record.
5. The record, received from the concerned Deputy Director of Education of the Directorate of Education, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -
- (i). The school had increased tuition fee in 2009-10 and 2010-11, within the range of 10%.
 - (ii). The record of development fee was not available in the file.
6. By notice dated 12.12.2013, the school was asked to appear on 23.01.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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J.N. International School, Village Aali, Badarpur, New Delhi - 44

000524

Committee and for affording an opportunity of hearing to the school. The hearing was adjourned to 28.03.2014 with due intimation to the school.

7. On 28.03.2014, Shri Sushil Kumar Jha, Admission Incharge with Ms. Mohini Khawal, Computer Operator of the school appeared before the Committee. Since the record of the school had never been verified earlier as the school did not respond to the previous notices, the Audit Officer of the Committee was asked to verify the record of the school.

8. On 21.04.2014, Shri Anil Kumar, Manager, Mrs. Meenu, TGT and Shri S.K. Sharma, Part Time Accountant attended the Office of the Committee and produced the record. They also filed reply to the questionnaire. As per the reply, the school claimed that it had implemented the recommendations of the 6th Pay Commission w.e.f. July, 2011 without the fee hike in terms of the order of the Director of Education dated 11.02.2009. The school also claimed that it did not collect the development fee from the students.

9. The record produced by the school was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -



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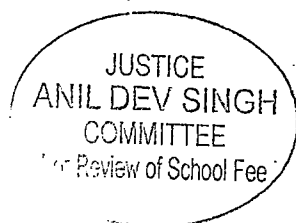
J.N. International School, Village Aali, Badarpur, New Delhi - 44

000525

- (i). The recommendations of the 6th Pay Commission had been implemented w.e.f. July, 2011, but the arrears of salary had not been paid to the staff.
- (ii). The salary to the staff had been paid in cash in spite of the school having a bank account.
- (iii). The school never deducted PF and TDS from the salary of the staff.
- (iv). The school had hiked the tuition fee during 2009-10 and 2010-11 by Rs.50/- for all classes, which was within the tolerance limit of 10%.

10. By notice dated 02.05.2014, the school was asked to appear on 15.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording another opportunity of hearing to the school.

11. On 15.05.2014, Ms. Meenu Dhaliwal, Teacher of the school appeared before the Committee. The representative of the school stated that the school had implemented the recommendations of the 6th Pay Commission w.e.f. July, 2011. It was admitted that salary to the staff was paid in cash without deducting the TDS. It was further contended



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J.N. International School, Village Aali, Badarpur, New Delhi - 44

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that the school hiked the fee in 2009-10 and 2010-11 nominally and did not charge development fee.

12. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The school has hiked the tuition fee in 2009-10 within the permissible limit of 10%. During 2010-11 also, the hike was very nominally by a sum of Rs.50/-.

13. It appears to us that this was done to conceal the actual salary paid to the staff. Otherwise, there was no reason why the same was not paid through account payee cheques. It was a mechanism adopted to prevent discovery of fact that staff was not being paid according to the recommendations of the 6th. Pay Commission read with the Order of the Director of Education dated February 11, 2009. There is another indicator which demolishes the claim of the school that it had implemented the recommendations of the 6th. Pay Commission. It is admitted by the school that it was not deducting TDS from the salary of the staff. In case, the recommendations of the 6th. Pay Commission had been implemented; the school would have surely deducted the TDS, in case of Principal and TGTs. Therefore, in the circumstances the claim of



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J.N. International School, Village Aali, Badarpur, New Delhi - 44

000527

the school, to have implemented the recommendations of the 6th Pay Commission cannot be relied upon.

14. As per the record filed before us, the school has not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has not utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee, therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

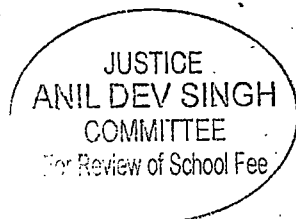
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-30.05.2014



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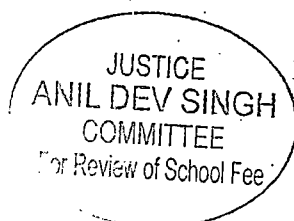
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Secretary

St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar, Delhi - 59

000528

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.

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W
Secretary

St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar, Delhi - 59

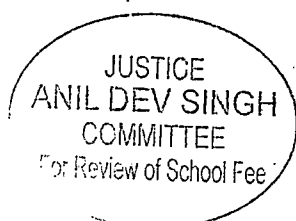
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4. With a view to verify the returns, the Office of the Committee vide its notice dated 13.07.2012 required the school to appear on 26.07.2012 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire. On the scheduled date, no one appeared. The Committee vide final notice dated 06.08.2012 directed the school to attend the Office of the Committee with complete record on 23.08.2012. Again, no one appeared on 23.08.2012 to produce the record.

5. The record, received from the concerned Deputy Director of Education of the Directorate of Education, in the first instance, was examined by Mrs. Sunita Nautiyal, A.A.O. of the Committee. She observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10 and 2010-11, within the range of 10%.
- (ii). The record of development fee was not available in the file.

6. By notice dated 12.12.2013, the school was asked to appear on 23.01.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the



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W
Secretary

St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar, Delhi - 59

000530

Committee and for affording an opportunity of hearing to the school. The hearing was adjourned to 28.03.2014 with due intimation to the school.

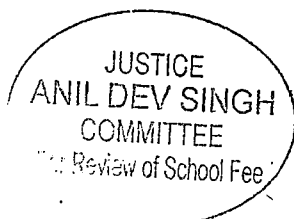
7. On 28.03.2014, Shri Pradeep Kumar, authorized representative of the school appeared before the Committee since the record of the school had never been verified earlier as the school did not respond to the previous notices, the Audit Officer of the Committee was asked to verify the same.

8. On 07.04.2014, Shri Pradeep Kumar Jain, Part Time Accountant attended the Office of the Committee and produced the record. He also filed reply to the questionnaire. As per the reply, the school had implemented the recommendations of the 6th Pay Commission w.e.f. April, 2011 and had hiked the fee w.e.f. April, 2009 but had not collected the development fee from the students.

9. The record produced by the school was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

(i). The recommendations of the 6th Pay Commission had been implemented w.e.f. April, 2011, but the D.A. and T.A. had not been

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W
Secretary

St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar, Delhi - 59

000531

- paid to the staff as per the prescribed norms. Arrears of salary had also not been paid to the staff.
- (ii). The salary to the staff had been paid in cash, in spite of the school having a bank account.
- (iii). The school never deducted PF and TDS from the salary of the staff.
- (iv). The school had hiked the tuition fee during 2009-10 and 2010-11 within the range of 10% for all classes.
- 10.** By notice dated 02.05.2014, the school was asked to appear on 12.05.2014 along with entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording another opportunity of hearing to the school.
- 11.** On 12.05.2014, Shri Arvind Mudgal, Manager with Shri Pradeep Kumar, LDC of the school appeared before the Committee. The representatives of the school had fairly conceded that the school had not implemented the recommendations of the 6th Pay Commission and its implementation had been shown only in papers. It was further contended that the school hiked the fee in 2009-10 within 10% and did not charge development fee.

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St. Mudgal Public School, Bhagwati Vihar, Uttam Nagar, Delhi - 59

000532

12. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representatives of the school. The school has hiked the tuition fee in 2009-10 and 2010-11 within the permissible limit of 10%. The school admittedly has not implemented the recommendations of the 6th Pay Commission and has also not charged development fee from the students.

RECOMMENDATION

Re. Fee Hike

Since the school has not utilised the order of the Director of Education dated 11.02.2009 for enhancing the tuition fee and the hike was within the tolerance limit of 10%, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 30.05.2014



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Secretary

Premalabai Chavan Mook Badhir Vidyalaya,

000533

Kakkadi More, Delhi - 92

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school in question did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 again requested the Deputy Director of Education, District East, to made available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.



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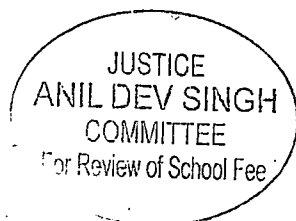
Secretary

Premalabai Chavan Mook Badhir Vidyalaya,

000534

Kakkadi More, Delhi - 92

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 requested the Director of Education to make available the record of the school but to no avail.
5. The Manager of the school vide notice of the Committee dated 21.01.2014 was directed to produce the record for verification on 13.02.2014.
6. On 13.02.2014, Shri I.S. Saxena, Manager of the Society and Shri N.S. Negi, LDC of the school attended the Office of the Committee and requested for some more time to produce the record for verification. The school was directed to produce the record on 24.02.2014.
7. On 24.02.2014, Shri I.S. Saxena, Manager of the Society and Shri B.C. Gupta, General Secretary, All India Deaf and Dumb Society attended the Office of the Committee for the verification of record.
8. The record submitted by the school, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -



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W
Secretary

Kakkadi More, Delhi - 92

- (i). The school had been receiving grant-in-aid from Social Welfare Department of GNCT of Delhi
- (ii). The school had been providing free-education and did not charge any tuition fee from the students.
- (iii). The salary to the staff was paid through PAO-17, Govt. of Delhi, in accordance with the recommendations of the 6th Pay Commission.

The Committee has perused the observations of the Audit Officer of the Committee as well as the copies of letters evidencing payment of grant-in-aid to the school by Department of Women and Child Development, Govt. of Delhi. The Committee is of the view that since the school is Govt. Aided School, it falls outside the purview of the Committee.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: - 29.05.2014



TRUE COPY

M
Secretary

Keshav Vidya Mandir, West Vinod Nagar, Delhi - 110 092

000536

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the schools had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. On examination of the aforesaid returns by the Committee, it prima facie appeared that the school had neither hiked the fee in terms of the order of the Director of Education dated 11.02.2009 nor implemented recommendations of the 6th pay commission. In this view of the matter the school was placed in category 'C'.



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Keshav Vidya Mandir, West Vinod Nagar, Delhi – 110 092

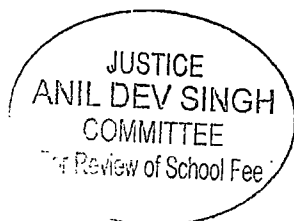
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4. With a view to verify the returns, the Office of the Committee vide its notices dated 21.01.2014 and 06.03.2014 required the school to appear on 14.02.2014 and 11.03.2014, respectively and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.

5. On 11.03.2014, Shri Rajeev Kumar Ranjan, authorized representative of the school appeared before the Committee. He produced the record but did not submit reply to the questionnaire. However, the reply to the questionnaire was filed on 13.03.2014. As per the reply, the school had, neither implemented the recommendations of the 6th Pay Commission, nor hiked the fee in terms of the order of the Director of Education dated 11.02.2009. The school also did not charge development fee from the students.

6. The record, in the first instance, was examined by Shri A.D. Bhateja, Audit Officer of the Committee. He observed to the effect that: -

- (i). The school had increased tuition fee in 2009-10 and 2010-11 within the permissible limit of 10%.



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N
Secretary

Keshav Vidya Mandir, West Vinod Nagar, Delhi - 110 092

000538

- (ii). The school had not implemented the recommendations of 6th Pay Commission.
- (iii). The salary to the staff had been paid in cash as the school did not have any bank account.
- (iv). The school had never deducted T.D.S. and P.F. from the salary of the staff.

7. By notice dated 15.05.2014 the school was asked to appear on 03.06.2014 along with the entire accounting, fee and salary records for the years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 03.06.2014, Shri Rajeev Kumar Ranjan, authorized representative of the school appeared before the Committee. It was contended by him that the school had not implemented the recommendations of 6th Pay Commission and had also not hiked the fee in terms of the order of the Director of Education, dated 11.02.2009. The hike in fee was within the range of 10% during 2009-10 and 2010-11. It was further contended that the school did not charge the development fee from the students.

9. We have gone through the record, observations of the Audit Officer of the Committee and submissions of the representative of the school.



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Secretary

10. The school did not hike the fee during the year 2009-10, in terms of the order of the Director of Education dated 11.02.2009. During 2010-11 also the hike in fee was by 10%.

11. The school had not implemented the recommendations of the 6th Pay Commission.

12. As per the record filed before us, the school had not charged development fee from the students.

Discussion and Recommendations

Re. Fee Hike

The school has not utilised the order of the Director of Education dated 11.02.2009 for increasing the fee in 2009-10. Therefore, the Committee feels that no intervention is required qua the aspect of fee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:- 23.07.2014

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Page 4 of 4



Secretary

Geeta Ashram Vidya Mandir, Delhi Cantt., New Delhi - 10

000540

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. However, the returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. On examination of the aforesaid returns by the Committee, it prima facie, appeared that the school had increased the fee in terms of the order of the Director of Education dated 11-02-2009 as well as implemented the recommendations of the sixth pay commission. In this view of the matter the school was placed in category 'B'.



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Page 1 of 4


Secretary

Geeta Ashram Vidya Mandir, Delhi Cantt., New Delhi - 10

000541

4. With a view to verify the returns, the Office of the Committee vide its notice dated 06.09.2013 required the school to appear on 03.10.2013 and to produce entire accounting, fee and salary records for the years 2008-09 to 2010-11 and to furnish reply to the aforesaid questionnaire.
5. In response to the aforesaid notice of the Committee, the Chairman of the Society, running the school, vide its letter dated 03.10.2013 informed that the school had been derecognized by the Directorate of Education and it was functioning temporarily till the end of session 2013-14, on the basis of an interim stay order granted by the Hon'ble High Court of Delhi on an application filed by the parents and teachers of the school in said Court.
6. The Office of the Committee vide letter dated 15.10.2013 requested the school to inform the status of the interim order granted by the Hon'ble High Court of Delhi. The school authority vide its letter dated 12.11.2013 informed that the stay order was vacated by the Hon'ble High Court by its order dated 25.09.2013.
7. By notice dated 19.06.2014 the school was asked to appear on 11.07.2014 along with entire accounting, fee and salary records for the



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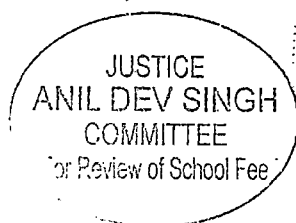
years 2008-09 to 2010-11 for the examination of the same by the Committee and for affording an opportunity of hearing to the school.

8. On 11.07.2014, no one appeared before the Committee for hearing in spite of the notice of having been delivered in the school on 20.06.2014 as confirmed through India Post Tracking System.

9. On 14.07.2014, the Office of the Committee received a letter dated 10.07.2014 from the Chairman of the Society running the school, reiterating the contents of its earlier letters dated 03.10.2013 and 12.11.2013.

Determinations and recommendations

10. The school failed to produce its original record not only before the Audit Officer of the Committee for verification but also before the Committee. Opportunity of hearing provided to the school was not availed. Since the school did not produce the original record and stand of the school in its aforesaid letters could not be verified in absence of the record.



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Geeta Ashram Vidya Mandir, Delhi Cantt., New Delhi - 10

000543

11. In view of above, the Committee is unable to make any recommendation and it is for the Director of Education to take appropriate action particularly to ascertain the facts regarding fee hike in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Mem

Dated:-30.07.2014

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N
Secretary



1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 19.07.2012 requested the Deputy Director of Education, District South-West 'A' to make available the financials of the school to the Committee.
4. The Dy. Director of Education Distt. West-A vide its letter dated 23.07.2012, informed the Committee that the recognition of the school



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Secretary

in question had been withdrawn by the Director of Education w.e.f. 01.04.2010, vide its order dated 22.09.2009. A copy of the aforesaid order had also been provided for ready reference.

6. In view of above no further action is required to be taken by the Committee.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014



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Secretary

D.V.B. (NDPL-D.E.S.U) Tripolia Colony, R.P. Bagh, Delhi , 000546

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Dy. Director of Education Distt. North West-A, vide letter dated 08.08.2012 informed the Committee that the school was at the verge of closing and the financial record of the school was maintained by Delhi Transco Limited, as the company bore all financial expenditure related to the school.

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JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

D.V.B. (NDPL-D.E.S.U) Tripolia Colony, R.P. Bagh, Delhi . 000547.

4. In view of non-availability of the record, the Committee is unable to make any recommendation and it is for the Director of Education to take appropriate action to enquire whether the school had hiked the fee, in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson


Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014



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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 requested the Deputy Director of Education, District East, Anand Vihar, Delhi to made available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.

548

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

Adarsh Bharti Public School, Krishna Nagar, Delhi - 57

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 made a request to the Director of Education to make available the record of the school. The Committee received no response from the Office of the Director of Education.
5. The Manager of the school vide notice dated 21.01.2014 and subsequent reminder on 21.04.2014 was directed to produce the record for verification. Both the notices came back with the remarks of the post office that the school had been closed and no school exists on the given address.
6. **In view of non-availability of the record and also non-compliances of the notices of the Committee, the Committee is unable to make any recommendation with regard to the fee hike, if any, by the school. In the circumstances it is for the Director of Education to take appropriate action to enquire whether the school had hiked the fee, in pursuance of its order dated 11.02.2009.**

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

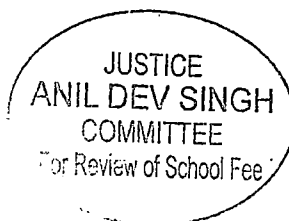
Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014

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Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 24.09.2013 requested the Deputy Director of Education, District East, Anand Vihar, Delhi to made available the financials of the school to the Committee. No response was received from the concerned Deputy Director of Education.

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

4. The Office of the Committee vide letter dated 28.09.2012 and subsequent reminder dated 01.11.2013 made a request to the Director of Education to made available the record of the school. The Committee received no response from the Office of the Director of Education.
5. The Manager of the school vide notice dated 21.01.2014 was directed to produce the record for verification on 20.02.2014. The office of the Committee received a letter dated 24.01.2014, under the signature of Sh.S.L.Luthra, Ex-Manager of the school, stating that the school had been closed for the last two years.
6. In view of above, the Committee is unable to make any recommendation and it is for the Director of Education to take appropriate action particularly to ascertain the facts regarding fee hike in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated:-15.05.2014

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Page 2 of 2



W
Secretary

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).

2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.

3. The Office of the Committee vide letter dated 17.12.2013 and subsequent reminder dated 15.01.2014 requested the Deputy Director of Education, District West-'B' to made available the financials of the school to the Committee.



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Secretary

4. In response to the aforesaid letters of the Committee, the Education Officer, Zone-17, District West-'B' has informed that the recognition of the school had been withdrawn with immediate effect vide order dated 11.12.2013 issued by the Addl. Director of Education (Act Branch). A copy of the aforesaid order had also been enclosed for reference.

5. In view of above facts and in absence of the record for the relevant period, the Committee is unable to make any recommendation and it is for the Director of Education to ascertain the issue of fee hike, if any, in pursuance of the order dated 11.02.2009 of the Director of Education.

Recommended accordingly.

Sd/-

**J.S. Kochar
Member**

Sd/-

**Justice Anil Dev Singh (Retd.)
Chairperson**

Sd/-

**Dr. R.K. Sharma
Member**

Dated:-15.05.2014



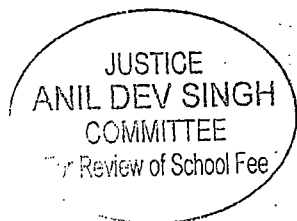
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Secretary

Convent of St.Marks School,Mahavir Enclave,Palam,New Delhi

000554

1. With a view to elicit the relevant information from the schools with regard to the basic questions, whether or not the school had implemented the recommendations of the Sixth Pay Commission and if so, whether or not the fee was hiked for the purpose of implementation thereof, a questionnaire prepared by the Committee was issued to the Managers of all schools on 27.02.2012 with the request that the information be furnished to the Committee within Seven days (Annexure 30 at page 470 of the First Interim Report).
2. The school did not respond to the questionnaire within the specified time. The returns filed by the school under Rule 180 of the Delhi School Education Rules, 1973 were also not received by the Committee on being requisitioned from the concerned Deputy Director of Education along with a copy of the fee schedule.
3. The Office of the Committee vide letter dated 17.12.2013 and subsequent reminder dated 15.01.2014 requested the Deputy Director of Education, District South-West 'B' to made available the financials of the school to the Committee.



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W
Secretary

Convent of St.Marks School,Mahavir Enclave,Palam,New Delhi

000555

4. The Manager of the school vide notice of the Committee dated 24.01.2014 was directed to produce the record for verification on 21.02.2014. No one on behalf of the school attended the Office of the Committee or produced any record.
5. The Dy. Director of Education Distt. South West-B, vide letter dated 07.02.2014 informed the Committee that the school in question had applied for its closure directly to the act branch of the deptt. and no record of the school was available with them.
6. In view of non-availability of the record and the school had applied for its closure, the Committee is of the view that it is for the Director of Education to ascertain the facts regarding fee hike in pursuance of the order of the Director of Education dated 11.02.2009.

Recommended accordingly.

Sd/-

J.S. Kochar
Member

Dated:-15.05.2014

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member



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[Signature]
Secretary

N.K. Bagrodia Public School, Sector-4, Dwarka, New Delhi-110075 000556

The Committee had received a letter dated 05/02/2014 from the school seeking review of its recommendations dated 12/09/2013. Similar applications were received from Faith Academy, Prasad Nagar and Rukmani Devi Public School, Pitampura.

On examining the three applications, the Committee was of the prima facie view that in the case of Rukmani Devi Public School, there appeared to be a mistake in the Committee's recommendations and such mistake was apparent from the record. However, since the Committee had already submitted its recommendations to the Hon'ble High Court as part of its fourth Interim report, the Committee sought directions from the Hon'ble High Court vide its letter dated 12/02/2014, which is reproduced here below:

"To

The Registrar General
Delhi High Court
New Delhi.

Sub.: Delhi Abhibhavak Mahasangh & Ors. vs. Govt. of NCT of Delhi & Ors. (Writ Petition No. 7777 of 2009)

Sir,

In the following three matters, our recommendations were filed before the Hon'ble High Court as part of the IV Interim Report.

1. Rukmani Devi Public School, Pitam Pura, Delhi-110034
2. N.K. Bagrodia Public School, Dwarka, New Delhi -110078
3. Faith Academy, John L. Dorsey Road, Prasad Nagar, New Delhi.

The aforesaid schools have filed applications before us for review of our recommendations.

In the case of Rukmani Devi Public School, Pitam Pura, Delhi-110034, we find that our recommendation suffers from an error apparent on the face of the record. In like matters, which may arise in future as well, the Committee needs the permission of the Hon'ble High Court to rectify such errors in its recommendations, if any.

Kindly place this letter before the Hon'ble Division Bench dealing with the matter as the Committee seeks urgent directions for grant of

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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Secretary

permission to rectify our recommendations, which may suffer from errors apparent on the face of the record.”

The Hon'ble High Court vide its order dated 19/03/2014 permitted the Committee to review the case of Rukmani Devi Public School only. The aforesaid order of the Hon'ble High Court is reproduced below:

W.P.(C)7777/2009 & CM No. 3168/2013

“ In view of the letter dated 12/02/2014 received from the Committee, we permit the Committee to review the case of Rukmani Devi Public School, Pitam Pura, Delhi -110034 only.

The writ petition shall be renotified on 09/05/2014.”

In this view of the matter, since the recommendations of the Committee have already been filed before the Hon'ble High Court, we cannot proceed to review our recommendations without directions of the Court. In any event, we do not find any error in our recommendations, which is apparent on the face of record. Accordingly, the application for review filed by the school is consigned to records.

Sd/-

CA J.S. Kochar
Member

Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 06/05/2014



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The Committee had received a letter dated 31/01/2014 from the school seeking review of its recommendations dated 09/11/2013. Similar applications were received from N.K. Bagrodia Public School, Dwarka and Rukmani Devi Public School, Pitampura.

On examining the three applications, the Committee was of the prima facie view that in the case of Rukmani Devi Public School, there appeared to be a mistake in the Committee's recommendations and such mistake was apparent from the record. However, since the Committee had already submitted its recommendations to the Hon'ble High Court as part of its fourth Interim report, the Committee sought directions from the Hon'ble High Court vide its letter dated 12/02/2014, which is reproduced here below:

"To

The Registrar General
Delhi High Court
New Delhi.

Sub.: Delhi Abhibhavak Mahasangh & Ors. vs. Govt. of NCT of Delhi & Ors. (Writ Petition No. 7777 of 2009)

Sir,

In the following three matters, our recommendations were filed before the Hon'ble High Court as part of the IV Interim Report.

1. Rukmani Devi Public School, Pitam Pura, Delhi-110034
2. N.K. Bagrodia Public School, Dwarka, New Delhi -110078
3. Faith Academy, John L. Dorsey Road, Prasad Nagar, New Delhi.

The aforesaid schools have filed applications before us for review of our recommendations.

In the case of Rukmani Devi Public School, Pitam Pura, Delhi-110034, we find that our recommendation suffers from an error apparent on the face of the record. In like matters, which may arise in future as well, the Committee needs the permission of the Hon'ble High Court to rectify such errors in its recommendations, if any.

Kindly place this letter before the Hon'ble Division Bench dealing with the matter as the Committee seeks urgent directions for grant of

JUSTICE
ANIL DEV SINGH
COMMITTEE
For Review of School Fee

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permission to rectify our recommendations, which may suffer from errors apparent on the face of the record.”

The Hon'ble High Court vide its order dated 19/03/2014 permitted the Committee to review the case of Rukmani Devi Public School only. The aforesaid order of the Hon'ble High Court is reproduced below:

W.P.(C)7777/2009 & CM No. 3168/2013

“ In view of the letter dated 12/02/2014 received from the Committee, we permit the Committee to review the case of Rukmani Devi Public School, Pitam Pura, Delhi -110034 only.

The writ petition shall be renotified on 09/05/2014.”

In this view of the matter, since the recommendations of the Committee have already been filed before the Hon'ble High Court, we cannot proceed to review our recommendations without directions of the Court. In any event, we do not find any error in our recommendations, which is apparent on the face of record. Accordingly, the application for review filed by the school is consigned to records.

Sd/-

CA, J.S. Kochar
Member

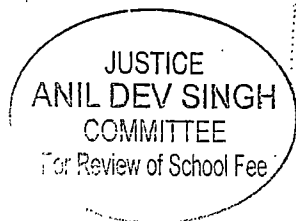
Sd/-

Justice Anil Dev Singh (Retd.)
Chairperson

Sd/-

Dr. R.K. Sharma
Member

Dated: 06/05/2014



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