ORDER

1. Whereas clearance to fill up 10 vacant posts as detailed below, by holding the SSC was granted to Bhai Biba Singh Khalsa School on 16.04.2012 with the approval of the Director (Education).
   1. Principal - 1
   2. V. Principal -1
   3. PGTs -4
   4. TGT -1
   5. PET -1
   6. Librarian -1
   7. UDC -1

2. Whereas SSC was held for selecting candidates to these posts on different dates and subsequently the school applied for release of grant in aid to the selected candidates.

3. Whereas on receipt of the request for release of grant in aid, the matter was examined and various irregularities as detailed below, were pointed out by the Education Officer and Dy. Director of Education noticed in the selection process:
   i. Vacancies were not notified to the employment exchange.
   ii. No record was provided to substantiate as to whether the applications were received by registered post or by hand.
   iii. Proper date wise record in respect of all applications was not maintained.
   iv. No interview letters were issued/sent to the short listed candidates for the post of Principal, PGT (Eco), PGT (Hindi) and UDC. For other posts, interview letters were sent by Speed Post or private
courier. However, even in such cases, it was observed that for the post of Librarian the interview letters were not sent to the three candidates. Similarly, in the case of PGT (Eng.) interview letters were not sent to three candidates.

v. Not providing information/documents to the District Authorities/DE nominees before the interview inspite of repeated requests.

vi. While granting clearance to fill up the vacant posts, Director of Education had directed that the vacancies must also be advertised in the weekly Employment News/Rozgar Samachar and the same was also conveyed to the school management by the Dy. Director vide letter No.143 dated 16.04.12. However, it is observed that the vacancies were not advertised in the Employment News/Rozgar Samachar.

vii. The short listing of candidates was not done rationally and various discrepancies as detailed below, were noticed :-

a) For PGT (Eco.) at S.N. 23 of the rejected list, reason for rejection was written as “No B.Ed” whereas B.Ed marks have been given to the candidates.

b) For Librarian, 11 candidates were shortlisted and 50 were rejected. Out of the 50 in the latter case, 39 were rejected due to overage but 2 overaged candidates (at S.N.5, 6) were also called for interview.

c) For PGT (Hindi), five candidates were rejected with the reason “no B.Ed” at S.N.7, 17, 21,36 and 40 whereas marks for B.Ed were given in the list. In the same list, two candidates (at S.N. 8 and 11) were rejected assigning the reason “non MA” whereas marks for MA were given in the list. In the same list,
two candidates at S.N.41 and 58 were rejected without indicating the specific reason of rejection.

d) For PGT Pol Sc. at S.N. 2 in the rejected list, the reason given is “overage” but he was not overaged as his date of birth is 1.6.1976 whereas cutoff date is 28.5.1976. In the same list, at S.N.5 marks for MA have been given whereas reason for rejection is written as “result detained by Univ”.

e) For PET, at S.N.15 of the list of rejected candidates, reason of rejection given is “only XII Pass” whereas marks for B.A. and B.P.Ed. have been given to him in the list. Similarly, S.N.17, 20 and 21 have been rejected with the reason as “not B.P.Ed” whereas marks for B.P.Ed have been given to these candidates.

4. And whereas SSC was not held for the post of TGT (Eng.) because it was found by the Education Officer that while seeking clearance the Managing Committee had concealed the fact that one person out of feeder cadre was eligible for promotion to this post. SSC for the post of V. Principal too had to be kept in abeyance because it was a promotional post.

5. And whereas advice of the Law Department, GNCT of Delhi was sought on the issue as to whether the appointments made by Bhai Biba Singh Khalsa Sr. Sec. School, though being a minority school, can be rejected because the Managing Committee did not follow the administrative procedures, as laid down by the Dte. Of Education through various circulars, which were issued for the sake of making the process of selection fair, objective, non-discriminatory and transparent.
6. And whereas the Law Department, GNCT of Delhi, has opined as under:-

"any infirmity in the recruitment process should not be allowed as it would affect the prospects of eligible candidates. As held by the Supreme Court, the minority managements have the right to administer their institutions, but this right implies obligation and duty of the minority institutions to render the very best to the students & in the light of administration, checks & balance in safe of regulatory measures are required to ensure the appointment of good teachers and their conditions of service".

7. And whereas, Rule 64(1)(a) of DSEAR, 1973 provides that the managing committee of an aided school "shall comply with the provisions of the Act and these rules."

8. And whereas, Rule 96 of DSEAR, 1973 is a regulatory measure to ensure the fair selection without encroaching upon the rights of Minority Institutions guaranteed under Article 30(1) of the Constitution of India. The Hon’ble Supreme Court in Ahemdabad & St.Xavier’s College Society Vs. State of Gujrath AIR 1974 SC 1389 has held that "the right conferred on the religious and linguistic minority to administer educational institutions of their choice is not an absolute right".

9. And whereas, the Hon’ble Supreme Court in Kerala Education Bill AIR 1978 SC 956 has also held that "the right to administer an educational institution of their choice by a minority cannot mean a right to mal-administration".
10. And now, therefore, in view of the glaring discrepancies mentioned above which create serious doubts in r/o the transparency of the entire selection procedure adopted by the management, Rule 64 (1)(a) and 96 of the DSEAR-1973, advice of the Law Department and various court judgments, I hereby order as under:

i. All the appointments made through direct recruitment in response to the clearance issued vide letter dated 16/04/2012 are rejected.

ii. The Manager/Chairman of the school is warned to be careful in future with regard to the shortcomings/ procedural lapse in the recruitment process and is also directed to ensure strict compliance of the provisions of the DSEAR, 1973 and guidelines issued by the Directorate of Education from time to time so that the students get nothing but the best and most qualified teachers to teach.

(AMIT SINGLA)
DIRECTOR(EDUCATION)

Copy to:

2. DDE (W-A) with the directions to get the copy of the order served on the school authorities against proper acknowledgment and to ensure proper compliance of the order.
3. Chairman/Managing Committee/Principal of Bhai Biba Singh Khalsa Sr. Sec. School, Moti Nagar, New Delhi.
4. OS (IT) with the direction to upload the order on the website.

(USHA SAINI)
DY. EDUCATION OFFICER (ACT-II)