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

No. F. DE-15/ACT-I/WPC-4109/PART/13/ 950

Dated: 4/10/2017

### ORDER

Whereas, the request of AG DAV Centenary Public School, Model Town, Delhi for increase in fee for the academic session 2016-17 was rejected by Director (Education) vide order No.F.DE.15/Act-1/WPC-4109/PART/13/472-476 dated 20.02.2017 with the specific direction to rectify the deficiencies as illustrated in the said order and submit compliance report to Dy. Director of Education concerned within thirty days.

And whereas, the Director (Education) had referred to the representation of AG DAV Centenary Public School, Model Town, Delhi against the fee hike rejection order of this Directorate and had decided to give an opportunity to the school to be heard in

And whereas, a committee was constituted to hear the case of the school in detail with a view to assist the Director of Education to dispose of the representation.

And whereas, in this connection, an opportunity of being heard was provided to the Manager/HoS of AG DAV Centenary Public School on 18.05.2017 at 12.00 Noon at Conference Hall, Ludlow Castle School Sports Complex, Civil Lines, Delhi-110054.

And whereas, the submissions of the schools were heard by the above said committee on 18.05.2017 at 12.00 Noon and during the hearing, the issues raised in the representation of the school were discussed at length.

And whereas, after examining the proposals of Fee Hike submitted by DAV Schools, it was observed that all DAV schools are run under the aegis of DAV College Management Committee (DAVCMC) which runs a number of schools and colleges in all over India and are following the same accounting and financial procedure across all schools, and these common accounting and financial procedures has led to issues such as making contribution to a pool account maintained by DAV CMC for payment of Leave Encashment and Gratuity, maintenance of three separate bank accounts, payment of Administrative Charges to DAV CMC, collecting Rs. 10,000 as building fund from students, deposit of extra funds of schools to DAVCMC, etc. The above procedures are not in consonance with the provisions of DSEA&R, 1973.

And whereas, in order to understand the procedure being followed as well as to seek clarification/justification on these issues, apart from hearing to the respective schools, as mentioned above, the Management of DAV CMC and Director (DAV CMC) alongwith their Account functionaries were called twice to discuss these issues and to

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obtain necessary clarifications. In this regard, point-wise clarification has been provided by DAV CMC which is as under:

Table 1: Common Observations

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
	The school has been paying a sum equal to 4% of the total basic pay of staff of the school to DAVCMC. As per Order no. DE. 15/ Act/ Duggal.Com /203 /99 /23033-23980 dated 15.12.1999 the management is restrained from transferring any amount from the Recognized Unaided School Fund to society or trust or any other institution.	DAV CMC is collecting administrative charges from the schools under its management for providing administrative support and varied facilities viz. financial audit of schools through audit and accounts section, academic audit, training of Principals, teachers and other staff of the schools through centre for academic Excellence, construction and property management by estate department, legal and taxation services, providing services relating to provident fund, gratuity, leave encashment and EDLI etc. In addition, DAV CMC is nominating local management committee, selection committee and building subcommittee for smooth functioning of the schools. DAV CMC is also organizing science, maths and ICT Olympiads and having a separate education board for our schools for classes up to VIIIth Standard. The entire administrative control is being dealt at DAV CMC level. All orders relating to postings, transfers, sanctions of purchases, circulars, notifications etc. are issued from DAV CMC, New Delhi. The DAV CMC has full fledged department for assessment and evaluation of schools, their principals and staff and based on feedback, necessary steps are being taken by DAV CMC for their improvement. We are also	

S. No.	Common Observation	Clarification given by DAV	Remarks
		providing legal assistance to various schools for any legal disputes. DAV CMC has engaged staff for the above services and salaries and other statutory payments of staff are being met from these charges collected from schools is nominal considering the nature and quantum of services being provided by the DAV CMC. The schools contribute 4% of the Basic Pay of their staff as administrative Charges. The schools are not required to incur any cost for these services which leads to a huge saving as an institution and helps us bring uniformity	
2.	Payments in relation to Gratuity and Leave Encashment	encashment benefits of all	DAV CMC was asked to submit the details of gratuity and leave encashment liabilities of the school as at 31st March, 2016 as per its books of accounts. Accordingly, the DAV CMC has submitted duly certified ledger account of Gratuity and Leave Encashment for each school.  It may be noted that:  - There is no actuary valuation of gratuity and leave encashment liabilities of the school.

S. No.	Common	Clarification given by bit	Remarks
	Observation	CMC	directed: To have actuary valuation of its gratuity and leave encashment liabilities; To disclose its liabilities on account of gratuity and leave encashment along with the corresponding amount of investments against that in its financial statements from the
			financial year 2017-18.  Also, wherever the existing provisions for these liabilities are in excess of the liabilities determined by the actuary, the excess amount so provided shall be transferred to general reserve fund of the school.
			In case, the amount currently provided is lesser than amount determined by the actuary, school shall provide the balance amount in a reasonable and prudent manner ensuring that burden of same is spread over the years and not charged in a single year.  To add back the amount of interest, as was earned on gratuity and leave
			encashment fund by DAV CMC over the years, duly certified by the statutory auditor of the school, in the corresponding investment accounts of the school.
3	Reserve F Loan DAVCMC	with bay come of the schools in order to secure their money deposit with DAV CMC as reserve fund DAV CMC is paying interest or these deposits @ 8% peranum which is higher than bank FD rates. Out of this reserve fund, loans etc. to the needy schools are arranged and they pay interest on these loans and advances.	23980 dated 15.12.1999 the management is restrained from transferring any amount from the Recognized Unaided School Fund to society or trust or any other institution. Thus, the school is hereby directed

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
			obviously available to the school and calculations have accordingly been made. Reconciliation statement of interest received /receivable should be attached with next year's fee hike proposal.
4	One time fees collection of Rs. 10,000/-	Some of the schools are charging one time fees of Rs.10,000/- at the time of admission for various student development activities over the period of their stay in the schools which normally is 12 to 14 years. As discussed in the meeting held on 03.07.2017, the collection under this head is being treated as fees to be utilized for meeting establishment and administrative cost.	School is not allowed to charge one time fees at the time of admission for development activity of students. Charging of one-time fees at the time of admission tantamount to capitation fee which is prohibited under section 13 of the Right of Children To Free and Compulsory Education Act, 2009. The school is hereby directed not to charge any such fee from the students in future and to adjust the fee already collected against the monthly fee due. The alleged purposes for which fee is collected seems to be under earmarked levies which ought to be collected on actual basis.
5	Operation of Bank Account in the name of DAVCMC	As per the financial scheme each school maintains three bank accounts viz. School Account and Pupil Fund Account, both being operated by Head of the School and Manager and the third being DAV CMC account which is operated by office bearers of the Managing Committee. The third account has been maintained with a view of exercise financial control over the schools. The schools are required to transfer all fees collections and other revenues to this account and the expenditure of the school is recouped from this account after they are approved by DAV CMC. All schools have to submit expenditure statements alongwith documentary evidences to Head Office who	Accepted, in view of 'Scheme of Management' of the school, as approved by the DoE at the time of granting of recognition to the school, school is allowed to maintain a bank account in the name of 'DAV College Management Committee'. The said bank account can be operated by the office bearers of the DAV College Management Committee.

S. No.	Common Observation	Clarification given by DAV CMC	Remarks	
		after examining these allow the expenses to be withdrawn from this account. The schools have to justify the expenditure vis.a.vis. budgets which are submitted by the schools before the start of the financial year. This scheme of management has been approved by Directorate of Education.		
		At times schools are unable to deposit the cheques sent by DAV CMC in time due to postal delay or shortage of funds and as per the accounting practices such cheques have to be shown as cheques in hand at the close of financial year with corresponding credit to DAN CMC. This is only a book entry and these cheques are subsequently cleared from the fee income transferred by the schools to this bank account.		

The above clarifications of DAV CMC are taken on record.

The submissions made by the school are analyzed in light of above discussion with DAV CMC on common observations and in accordance with the provisions of Delhi School Education Act and Rules, 1973 and directions are issued there-under:-

Table -2: Financial discrepancies:-

S.	Detail of discrepancy	Submissions of the school	Remarks
No. 1.	use of action	The school has used development fee for purchase, upgradation and replacement of furniture, fixtures and equipments along with their repairs and payments. School has collected development fee of Rs. 1,09,61,580	11.02.2009, school is not allowed to treat development fee as revenue receipt. School is directed to do proper accounting of the development fee collected and separate fund account should be

replacement of furniture fixtures and equipment's. The school has received Development fee of Rs. 84,75,070, Rs. 96,15,215 and Rs. 1,09,61,580 in FY 2013-14, FY 2014-15 and FY 2015-16 respectively.

expenditure besides Rs. 25,51,685 towards repairs and maintenance.

accordance with clau
14 of the order date
11.02.2009. School
not to chara
development fee unle
it comply with the
directions of the
Directorate.

## Other discrepancies:

S. No.	Detail of discrepancy	Submissions of the school	Remarks
1,	The school has not refunded interest on security deposit to the students along with caution money refund. Moreover, the school has not reflected un-refunded caution money belonging to ex-students as income in the next financial year after the expiry of thirty days and has also not taken this into account while projecting fee structure for ensuing academic year. This is contravention of Clause 18 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009.	The school is not earning any interest on caution money and as such only principal amount is refunded. We have noted the suggestion and will transfer the unclaimed caution money to income account.	As per clause 18 of the order dated 11.02.2009, school should maintain separate bank account for the caution money collected and interest earned on the same, if any, is to be credited to the caution money account. School should follow DoE instructions in this regard. Compliance shall be verified at the time of next fee increase proposal of the school, if any.
2.	As per the Financial Statements of the School, the school has paid Administration Charges of Rs. 10,16,894, Rs. 9,34,854 and Rs. 8,48,614 in FY 2015-16, FY 2014-15 and FY 2013-14 respectively. This amount is paid to DAV CMC as a prevailing practice amongst the school under the management of DAV CMC. This is contravention of Order No. DE 15/ Act/ Duggal.Com/203 /99 /23033-23980 dated 15.12.1999 which restricts the transfer of funds from school fund to society or trust or any other institution.	DAV CMC is collecting administrative charges from the schools under its management for providing administrative support and varied facilities viz. financial audit of schools through audit and accounts section, academic audit, training of Principals, teachers and other staff of the schools through centre for academic Excellence, construction	Though practice followed by DAV Schools is not in consonance with DSEA&R, 1973. Keeping in view submission/ justification given by DAV CMC as well as keeping in view the managerial structure of DAV CMC to have a check and balances as well as economy in expenditure, the submissions of DAV

property management by estate department, legal and services, taxation providing services provident relating to fund, gratuity, leave encashment and EDLI etc. In addition, DAV CMC is nominating local management selection committee, committee and building subcommittee smooth functioning of the schools. DAV CMC is also organizing science, and maths Olympiads and having a separate education board for our schools for classes up to VIIIth Standard. The entire administrative control is being dealt at DAV CMC level. All orders relating to postings, transfers, sanctions of purchases, notifications circulars, etc. are issued from DAV CMC, New Delhi. The DAV CMC has full fledged department for assessment evaluation of schools, their principals and staff and based on feedback, necessary steps are being taken by DAV their for CMC improvement. We are legal providing also assistance to various schools for any legal disputes. DAV CMC has engaged staff for the and above services and other salaries statutory payments of staff are being met

CMC are taken on record.

		from these charges collected from schools is nominal considering the nature and quantum of services being provided by the DAV CMC. The schools contribute 4% of the Basic Pay of their staff as administrative Charges. The schools are not required to incur any cost for these services which leads to a huge saving as an institution and helps us bring uniformity across the institution.	
3.	The school is charging building fund from the newly admitted students in the school. This is contravention of Clause 2 of Public Notice dated 04.05.1997. The school has received Rs. 14,01,000 in FY 2105-16, Rs. 13,80,500 in FY 2014-15 and Rs. 17,57,000 in FY 2013-14.	School is charging one time fees of Rs.10,000/- at the time of admission for various student development activities over the period of their stay in the schools which normally is 12 to 14 years. As discussed in the meeting held on 03.07.2017, the collection under this head is being treated as fees to be utilized for meeting establishment and administrative cost.	School is not allowed to charge one time fees at the time of admission for development activity of students. Charging of one-time fees at the time of admission tantamount to capitation fee which is prohibited under section 13 of the Right of Children To Free and Compulsory Education Act, 2009. The school is hereby directed not to charge any such fee from the students in future and to adjust the fee already collected against the monthly fee due. The alleged purposes for which fee is collected seems to be under earmarked levies which ought to be collected on actual basis.
4.	As per the financial statements of the school, the school has taken	The school has taken loan from DAV CMC for	As upheld in Modern School case read

loan from DAV CMC but the purpose of the loan has not been specified. During the period under review, the school has not paid any amount against the loan but has provided for the interest payable on the loan every year. Summary of the amount outstanding loan and interest provided is as follows:

Particulars Loan taken	2015-16	2014-15	2013-
by School from DAV CMC (Outstanding amount at year end)	1,21,90,437	1,11,83,887	1,02,6 0,447
Interest provided during the year	10,06,550	9,23,440	8,47,1 93
Cash & Bank Balance (At the end of Year) Main	3,19,01,383	3,34,05,963	22,17, 867
Cash & Bank Balance (At he end of 'ear) Boys	1,10,12,370	1,20,79,462	1,56,7 6,780

construction of building and no amount is being repaid and only interest is being provided on the outstanding amount as notional entry.

along with Rule 177 of DSEA & R, 15/3 capital expenditure cannot form part of financial fee structure the school. Creating liability against school for loan taken for construction of building and interest thereon is tantamount to charge on school fee. The school is, thus, directed to pass necessary correction accounting entries and not to treat them liability of the school. Compliance shall be verified at the time of net increase proposal of the school.

5. Further review of the financial statements of the school has revealed that the school has been regularly doing transaction with the DAV CMC which raise doubt of fund transfer or diversion. Summary of transactions and balance outstanding with DAV CMC as per the financial statements for the period under review are as follow:

Particulars	2015-16	2014-15	2013- 14
Current Account (Recoverable) Balance with School/ Colleges (In the books of DAV CMC) Main A/c	83,43,839		66,79,
Current Account (Payable) Balance with School/ Colleges (In the books of DAV CMC) Main A/c		26,73,597	
Current	8,47,098	10,54,848	8,03,7

As per the financial scheme each school maintains three bank accounts viz. School Account and Pupil Fund Account, both being operated by Head of the School and Manager and the third being DAV CMC account which is operated by office bearers of the Managing Committee. The third account has been maintained with a view of exercise financial control over the schools. The schools are required to transfer all fees collections and other revenues to this account and the expenditure of the school is recouped from this account after they are approved by DAV

Accepted, in view of 'Scheme of Management' of the school, as approved by the DoE at the time of granting of recognition to the school, school is allowed to maintain a bank account in the name of 'DAV College-Management Committee'. The said

Committee'. The said bank account can be operated by the office bearers of the DAV College Management Committee.

Account (Payable) Balance With School/ Colleges (In the books of DAV CMC) Boys A/c			87
Amount paid to DAV GMC as per Receipt & Payment A/c (Main A/c)	1,10,17,436	-	
Amount received from DAV CMC as per Receipt & Payment A/c (Main A/c)	-	93,52,845	12,97, 184
Amount paid to DAV CMC (Publication Division) as per Receipt & Payment A/c (Boys A/c)	2,07,750	*	
Amount received From DAV CMC (Publication Division) as per Receipt & Payment A/c (Boys A/c)		2,26,316	53,04 9

CMC. All schools have to submit expenditure statements alongwith documentary evidences to Head Office who after examining these allow the expenses to be withdrawn from this account. The schools have to justify the vis-à-vis expenditure budgets which are submitted by the schools before the start of the financial year. This scheme management has been approved by Directorate of Education.

The school is purchasing school books from DAV publication Division for further sale to the students and the amount payable to the publication division was on account of the same.

The school maintaining current a/c of DAV CMC for control purpose, and amount is actually paid or received from DAV CMC. The payment of Rs. 1,10,17,346/- in receipts and payments a/c is merely contra entry with corresponding entry on receipt side in bank balance where cheque received has been deposited.

School is directed to implement proper internal control system in relation to procurement of goods and services ensuring that transactions with related parties are entered at arms' length prices only.

Considered.



And whereas, after going through the representations dated 25.03.2017 and submissions made by the school during the hearing held on 18.05.2017 as well as financial statements/budget of the school available with this Directorate, it emerges that:-

The school is having a deficit of Rs. 13,69,322/- as per the following details:-

Particulars	Amount (Rs.)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	4,17,27,070
Investment as on 31.03.16 as per audited Financial Statements	11,86,683
Add: Amount with DAV CMC	83,43,838
Total	5,12,57,591
Less: Amount payable to DAV CMC (current A/c)	8,47,098
Less: Development Fund#	
Less: Depreciation Reserve Fund (to the extent funds available)#	5,04,10,493
Available Funds	-
Fees for 2015-16 as per financial statement (We have assumed that the amount received in 2015-16 will at least accrue in 2016-17)	12,54,52,472
Other income for 2015-16 as per financial statement	39,49,498
Estimated availability of funds for 2016-17	12,94,01,970
Less: Budget expenses for the session 2016-17 as submitted by school management	13,07,71,292
Net Deficit	13,69,322

#As per Financial Statements for the year 2015-16, balance of depreciation reserve fund is Rs.5,33,65,093/-. However, the same is considered to the extent of funds available. School is directed to create equivalent investments against the same and utilise the same in accordance of DoE instructions in this regard. School has treated the development fee as revenue receipts and utilised the same for purposes other than mentioned in clause 14 of the order dated 11.02.2009 and hence, the same is not considered in above calculations.

\*The school has submitted its total expenses for FY 2016-17. The increase in establishment expenses for the year is around 28%. It found to be unreasonable increase and accordingly, the same is not considered in above calculations and only 10% increase in establishment expenditures is considered. School has budgeted for Vehicles which amounts to Rs. 20,00,000/-. This expenditure is not considered in the above calculation as the burden of the same cannot be imposed on each student and the school can purchase vehicles out of the accumulated surplus generated from transport fee. Also, school has proposed for Building Construction amounting to Rs. 5,00,000/- and repayment of loan amounting to Rs. 50,00,000/-. These expenditures are not considered in above calculations as it was upheld in Modern School Judgment that capital expenditure cannot form part of financial fee structure and can be made out of savings of the school. Further, school has proposed for repairs and maintenance of building amounting to Rs. 1,47,00,000/- and 50% of the same is not considered in above calculations as it seems on higher side considering the actual expenditures incurred in previous years.

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And whereas, in view of the above examination, it is evident that the school does not have sufficient surplus funds even after meeting all the budgeted expenditure for the financial year 2016-17.

And whereas, as per clause 22 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, user charges should be collected on no profit and no loss basis and should be used only for the purpose for which these are collected. Accordingly, the school is advised to maintain separate fund in respect of each earmarked levies charged from students in accordance with the DSEA & R, 1973 and orders, circulars, etc., issued there under. If there are large surpluses under any earmarked levy collected from the students, the same shall be considered or adjusted for determining the earmarked levy to be charged in the next academic session.

And whereas, as per clause No. 14 of Order No. F.DE./ 15(56)/ACT/2009/778 dated 11.02.2009, 'Development Fee, not exceeding 15% of the total annual tuition fee may be charged for supplementing the resources for purchase, up-gradation and replacement of furniture, fixture and equipment. Development Fee, if required to be charged, shall be treated as capital receipt and shall be collected only if the school is charged, shall be treated as capital receipt and shall be collected only if the school is maintaining a depreciation reserved fund, equivalent to the deprecation charged in the revenue accounts and the collection under this head along with and income generated from the investment made out of this fund, will be kept in a separately maintained development fund account.' Accordingly, school is advised to maintain separate development fund and utilized the same strictly in accordance with the DSEA & R, 1973 and orders, circulars, etc., issued there under.

And whereas, it is evident that the school is not maintaining development fund account in proper manner in accordance with clause 14 of Order No. F.DE./15 (56) /Act 2009 / 778 dated 11/02/2009. The school has followed unsustainable financial practices and using development fund for non permissible items. Hence, development fee already charged @15% has in reality been used for other purposes, and in effect already tantamount to a hike on tuition fee. School must not charge development fee unless it comply with instructions of this Directorate in this regard.

And whereas, these recommendations alongwith relevant materials were put before Director of Education for consideration and who after considering all the material on the record has found that the school does not have sufficient surplus funds to meet the financial implications for the financial year 2016-17 and the representation dated 25.03.2017 and subsequent submissions made thereafter in this regard find merit in respect of sanction for increase in fee and hereby accepted on the basis of above mentioned observations. Further, it has been decided by the Director (Education) to allow the school to increase the existing fee by 5% for the session 2016-17.

Accordingly, it is hereby conveyed that the representations for fee hike of DAV Centenary Public School, Model Town, Delhi, has been accepted by the Director of

h.

Education and the school is hereby allowed to increase the existing fee by 5% for the session 2016-17.

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

1. To comply with all the directions/ instructions as mentioned in this order.

2. In the light of Judgment of Modern School vs Union of India, the salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings. Therefore it is to be ensured not to include capital expenditure as a component of fee structure to be submitted by the school under section 17(3) of DSEA&R, 1973.

3. The fee should be utilised as per letter and spirit of Rule 177 of the DSEA & R, 1973 and the judgement of the Hon'ble Supreme Court in the case of Modern

School Vs Union of India (2004).

Non compliance of the order shall be viewed seriously.

This issues with the prior approval of the Competent Authority.

(Yogesh Pratap)
Deputy Director of Education
Private School Branch
Directorate of Education

To

The Manager/HoS DAV Centenary Public School, Model Town, Delhi

No. F. DE-15/ACT-I/WPC-4109/PART/13/ 950

Dated: 4/10/2017

#### Copy to:-

- 1. P.S. to Secretary (Education), Directorate of Education, GNCT of Delhi.
- 2. P.S. to Director (Education), Directorate of Education, GNCT of Delhi.
- 3. P.A. to Addl. Director of Education (Private School Branch), Directorate of Education, GNCT of Delhi.
- 4. DDE concerned
- 5. Guard file.

(Yogesh Rratap)
Deputy Director of Education-1
Private School Branch
Directorate of Education

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(Yogesh Pretap)
Deputy Director of Education
Private School Branch
Directorate of Education

To

The Manager/HoS DAV Centenary Public School, Model Town, Delhi

No. F. DE-15/ACT-I/WPC-4109/PART/13/ 950

Dated: 4/10/2017

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(Yogesh Aratap) Deputy Director of Education-1 Private School Branch