

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/13/927-531

Dated: 26/9/2017

ORDER

Whereas, the request of DAV Public School, Pushpanjali Enclave, Outer Ring Road, Pitampura, Delhi-110034 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/13/635-639 dated 06.03.2017 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 DAV Public School, Pushpanjali Enclave against the fee hike rejection order of this Directorate and had decided to give an opportunity to the school to be heard in person.

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 DAV Public School (Pushpanjali Enclave) on 19.05.2017 at 02.00PM 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 19.05.2017 at 02.00PM 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 obtain necessary clarifications. In this regard, point-wise clarification has been provided by DAV CMC which is as under:

Table 1: Common Observations

Sl. No.	Common Observation	Clarification given by DAV CMC	Remarks
1.	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 providing legal assistance to various schools for any legal disputes. DAV CMC has engaged staff for the above	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 CMC are taken on record.

No.	Common Observation	Clarification given by DAV CMC	Remarks
		<p>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 across the institution.</p>	
2.	<p>Payments in relation to Gratuity and Leave Encashment</p>	<p>The gratuity and leave encashment benefits of all staff of DAV Schools are administrated/ controlled at Head office through common pool fund. All investments of contributions made by the schools are made by Head office in specified government securities and the payment of claims at the time of retirement and leaving the services are settled by head office. Separate school-wise ledger accounts are being maintained at DAV CMC showing liabilities for gratuity and leave encashment. There is no default of delay in settlement of claims.</p>	<p>During the course of hearing, 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.</p> <p>It may be noted that:</p> <ul style="list-style-type: none"> - There is no actuary valuation of gratuity and leave encashment liabilities of the school. - Liabilities and corresponding investments against gratuity and leave encashment are not reflected in the books of accounts of the school. Also, benefit of interest earned on these investments is not passed on to individual school by DAV CMC. <p>Thus, school is hereby directed:</p> <ul style="list-style-type: none"> - To have actuary valuation of its gratuity and leave encashment liabilities;

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
			<p>- 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.</p> <p>- 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.</p>
3	Reserve Loan Fund/ with DAVCMC	Some of the schools in order to secure their money deposit with DAV CMC as reserve fund. DAV CMC is paying interest on these deposits @ 8% per annum 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.	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. Thus, the school is hereby directed strictly to ensure that exact amount of interest is received from the society. This fund is obviously available to the school and calculations have accordingly been made. Reconciliation statement of

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			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 after examining these allow	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
		<p>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.</p> <p>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 DAV 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.</p>	

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. No.	Detail of discrepancy	Submissions of the school	Remarks
1.	The school has collected Development Fee in excess of 15% of Tuition Fee charged during the period under review. The school has collected Rs. 18,68,445 in excess of the prescribed limit for Development fund during the period under review. This is contravention of Clause 14 of Order No. F.DE./15 (56) /Act /2009. / 778 dated 11/02/2009. As per School, development fee appear to be more than 15% of tuition fee as tuition fee has been waived for some students. Further in contravention to the above mention Clause, the development fund	The concession in tuition fee to some students results in lower tuition fee which leads to distortion in percentage	As per clause 14 of the order dated 11.02.2009, school is not allowed to treat development fee as revenue receipt and to maintain depreciation reserve fund. School is directed to do proper accounting of the development fee collected and separate fund account should be Maintained and the same should be utilised for the stipulated purposes in accordance with clause 14

	has been treated as revenue receipt and used for meeting over all expenditure of the school. Depreciation Reserve Fund has not been maintained by the school. The school has received Development fee of Rs. 1,76,82,705 , Rs. 1,90,90,445 and Rs. 2,03,50,915 in FY 2013-14, FY 2014-15 and FY 2015-16 respectively.	terms when compared with total development fee.	of the order dated 11.02.2009. School is not to charge development fee unless it comply with the directions of this Directorate.
2.			

Table-3:Other discrepancies:

S. No	Detail of discrepancy	Submissions of the school.	Remarks
1.	<p>The school has not maintained the accounts as per the applicable rules and regulations specified in DSEA & R 1973 and the Financial Statements prepared by the management are not properly drawn. Following Non-compliances have been notified :</p> <ol style="list-style-type: none"> The schedules forming part of the balance sheet have not been properly drawn showing all the relevant adjustments. Financial Statements are not reconciled with the fee collection software. The school has not maintained specific fund accounts for the fee/ earmarked levies collected under different heads. Financial Statements submitted by the school with DoE are not in matching with the Audited Financial Statements of the School. The school has not made requisite accounting entries in respects of the assets 	<p>It is incorrect that schedules are not properly drawn.</p> <p>There are complete records of fee received, i.e., student wise fee register based on which accounting entries for fee receivable and advance fee are passed at the end of each FY. Such records are available for verification.</p> <p>Though the school has not maintained specific funds for various fee but it utilisation is regularly monitored to ensure that they are used for the specified purposes only.</p> <p>Financial Statements are matching and are enclosed herewith.</p> <p>Though the school has not</p>	<p>The school should follow proper accounting procedures while drawing its financial statements. Compliance shall be verified at the time of next fee increase proposal of the school, if any.</p> <p>School should maintain proper accounts for earmarked levies in accordance with clause 22 of the order dated 11.02.2009.</p> <p>School should implement proper internal control system so as to plug revenue leakages.</p> <p>School should follow proper accounting procedure to record its transactions in accordance with ICAI pronouncements in this regard. Compliance shall be verified at the time of next fee increase proposal of the school, if any.</p>

	<p>scrapped and sold. This observation apparently means reduction of physical assets and receipt of physical cash are outside the books which amount to misappropriation of funds.</p> <p>vi. The Receipt and Payment account submitted with DoE for FY 2013-14 do not reflect all the receipts and payments of the school properly. According to above observation, there seems to be no control over the cash & bank transactions and are vulnerable to revenue leakage.</p> <p>vii. The Financial Statements including Note to Accounts are not representing True & Fair View of the School's state of affairs which have a material impact over the budgeting of the school for the ensuing academic session.</p>	<p>reduced the value of fixed assets but sale proceeds have been treated as miscellaneous income. We will ensure that the sales of scrap/ old items are given effect in the fixed assets register.</p> <p>All payments are made by way of account payee cheque or RTGS and all fee collected is deposited in bank every day. The school has full control over its receipts and payments.</p> <p>The financial statements are duly audited every year by a firm of independent CA and represent a true and fair view of affairs of the school.</p>	
2.	<p>The school has not complied with Order No. F.DE-15/ACT-I/WPC4109/Part/13/7914-7923 dated 15-07-2016 which has instructed the schools not to collect increased fee from the students till the fee increase proposal is disposed off by DoE. The school has charged the increased fee from the students in FY 2016-17 and no refund/adjustments of the excess fee collected by the school has been done as required</p>	<p>The school has stopped to collect hiked fee after DOE order in July, 2016.</p>	<p>The school should follow DoE instructions in this regard and to refund/adjust the excess fee collected from the students. Compliance shall be verified at the time of next fee increase proposal of the school.</p>

	by the above mentioned order.		
3.	The school has not submitted statement of fee with DoE for FY 2013-14 and FY 2014-15. Section 17(3) of DSEA 1973 stipulates that 'the manager of every recognised school, shall before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session'.	The school has submitted details of fee structure before the start of the academic year. Copies of letters enclosed.	Considered.
4.	The School has not taken Insurance cover for the actual number of students in the school. Insurance cover has been taken for 3500 students whereas there are 3947 students in the school. The school has not submitted any further details against this observation.	Students are insured every year to cover any medical exigency and adhoc numbers of students are covered as the actual numbers of students keep on changing.	Accepted.
5.	The school has not completely 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. Unclaimed caution money shall be transferred to income in the current FY.	The school has assured to comply the DOE directions. 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.
6.	Review of the financial statements of the school has revealed that the school has undertaken	DAV CMC is collecting administrative charges from the schools under its management for providing	Though practice followed by DAV Schools is not in consonance with DSEA&R, 1973. Keeping in view

transaction with the society/ trust DAV CMC during the period under review.

Balance outstanding as payable or receivable along with transactions identified from the Financial statements of the school are as follow:

Particulars	2015-16	2014-15	2013-14
Administration Charges paid by School	17,69,151	17,59,904	16,81,210
Deposit with DAV CMC	1,28,49,062	1,18,97,280	1,10,16,000
Interest Income on Deposit with DAV CMC	9,51,782	8,81,280	8,16,000
Current Account (Payable) Balance with DAV CMC Main A/c	1,62,86,452	8,54,077	15,93,472

School is required to provide a detailed clarification in regard to the transactions with DAV CMC.

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 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

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 CMC are taken on record.

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.

		<p>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.</p> <p>School in order to secure its money deposit with DAV CMC as reserve fund. DAV CMC is paying interest on these deposits @ 8% per annum 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.</p>	
7.	<p>As per the notes to Accounts forming part of Audited Financial Statements the school provides for Gratuity and Leave encashment expenses being 5% and 3% respectively of Basic Pay and D.A. which is paid to DAV College Management Committee (DAV CMC), which in turn manages and maintains the fund for payment of gratuity and leave encashment to the school employees at the time of retirement. It is understood that this is a uniform practice adopted by all the schools under the management of DAV CMC. However the same is in violation of the provision of DSEAR 1973 as school cannot transfer funds to society.</p>	<p>The gratuity and leave encashment benefits of all staff of DAV Schools are administrated/ controlled at Head office through common pool fund. All investments of contributions made by the schools are made by Head office in specified government securities and the payment of claims at the time of retirement and leaving the services are settled by head office. Separate school-wise ledger accounts are being maintained at DAV CMC showing liabilities for gratuity and leave encashment. There is no default of delay in settlement of claims.</p> <p>As per DAV CMC submission, the Gratuity fund and Leave Encashment fund balance of the school as at 31.03.2016</p>	<p>During the course of hearing, 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.</p> <p>It may be noted that:</p> <ul style="list-style-type: none"> - There is no actuary valuation of gratuity and leave encashment liabilities of the school. - Liabilities and corresponding investments against gratuity and leave encashment are not reflected in the books

<p>Adequacy of the provision for Gratuity and Leave encashment cannot be commented upon in the absence of Actuarial Valuation.</p>	<p>are Rs. 2,39,25,114/- and Rs. 1,45,91,978/- respectively.</p>	<p>of accounts of the school. Also, benefit of interest earned on these investments is not passed on to individual school by DAV CMC.</p>
		<p>Thus, school is hereby directed:</p>
		<ul style="list-style-type: none"> - 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.
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And whereas, after going through the representations dated 21.03.2017 and submissions made by the school during the hearing held on 19.05.2017 as well as financial statements/budget of the school available with this Directorate, it emerges that:-

The school is having a surplus fund of Rs. **6,14,69,154/-** as per the following details:-

Particulars	Amount(Rs)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	2,76,40,582
Investment as on 31.03.16 as per audited Financial Statements	5,12,85,322
Add: Amount available with DAV CMC of the school	1,28,49,062
Total	9,17,74,966
Less: Development Fund and Depreciation Reserve Fund#	0
Available Funds	9,17,74,966
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)	21,36,97,345
Other income for 2015-16 as per financial statement	60,27,993
Estimated availability of funds for 2016-17	31,15,00,304
Less: Budget expenses for the session 2016-17 as submitted by school management*	25,00,31,150
Net Surplus**	6,14,69,154

#In the balance sheet of the school for FY 2015-16, development fee fund and depreciation reserve fund are nil. Hence, these are not considered in the above calculations.

*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. 20,00,000/- and 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, the school has proposed expenses on EWS/DG/SW and GFC students amounting to Rs. 3.06 Crores, this has been disallowed as the school is running on land allotted by DDA at institutional/concessional rates and society is supposed to provide free education to such students, as per one of the conditions of land allotment letter.

**Since sufficient surplus is available with the school, the school is hereby directed to maintain the liquidity in the form of investment for 03 month salary and this investment should be in the joint name of Dy. Director (Education) and Manager of the School as per the condition of recognition letter and clause 10 of form 2 of Right of Children to free and compulsory education Act, 2009.

And whereas, in view of the above examination, it is evident that the school is having sufficient surplus funds even after meeting all the budgeted expenditure for the financial year 2016-17.

<p>Adequacy of the provision for Gratuity and Leave encashment cannot be commented upon in the absence of Actuarial Valuation.</p>	<p>are Rs. 2,39,25,114/- and Rs. 1,45,91,978/- respectively.</p>	<p>of accounts of the school. Also, benefit of interest earned on these investments is not passed on to individual school by DAV CMC.</p> <p>Thus, school is hereby directed:</p> <ul style="list-style-type: none"> - 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
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**Since sufficient surplus is available with the school, the school is hereby directed to maintain the liquidity in the form of investment for 03 month salary and this investment should be in the joint name of Dy. Director (Education) and Manager of the School as per the condition of recognition letter and clause 10 of form 2 of Right of Children to free and compulsory education Act, 2009.

And whereas, in view of the above examination, it is evident that the school is having 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 maintaining a depreciation reserved fund, equivalent to the depreciation 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 and depreciation reserve fund 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 is having sufficient surplus funds to meet the financial implications for the financial year 2016-17 and the representation dated 21.03.2017 and subsequent submissions made thereafter in this regard find no merit in respect of sanction for increase in fee and hereby rejected on the basis of above mentioned observations.

Accordingly, it is hereby conveyed that the representations for fee hike of DAV Public School, Pushpanjali Enclave, Outer Ring Road, Pitampura, Delhi-110034, has been rejected by the Director of Education. Further, the management of said school is hereby directed under section 24(3) of DSEAR 1973 to comply with the following directions:

1. Not to increase fee for the session 2016-17. If, in case, increased fee has already been charged from the parents, the same shall be refunded/ adjusted.
2. To comply with all the directions/ instructions as mentioned in this order.
3. 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.

4. 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).

This issues with the prior approval of the Competent Authority.

Non compliance of the order shall be viewed seriously.



(Yogesh Pratap)

Deputy Director of Education
Private School Branch
Directorate of Education

To

The Manager/HoS
DAV Public School, Pushpanjali Enclave,
Outer Ring Road, Pitampura, Delhi-110034

No. F. DE-15/ACT-I/WPC-4109/PART/13/ 927-931
Copy to:-

Dated: 26/9/2017

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 Pratap)

Deputy Director of Education-1
Private School Branch
Directorate of Education