

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/13/902-911

Dated: 28/9/2017

ORDER

Whereas, the request of Jhabban Lal DAV Senior Secondary Public School, J-Block, Paschim Vihar, New Delhi--110063 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/13/441-445 dated 02.02.2017 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 Jhabban Lal DAV Senior Secondary Public School 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, Sector-VII, Rohini on 19.05.2017 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 19.05.2017 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 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
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 services and salaries and other statutory payments of staff are being met from these charges collected	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
		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.	
2.	Payments in relation to Gratuity and Leave Encashment	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>During the course of hearing, DAV CMC was asked to submit the details of gratuity and leave encashment liabilities of the school as at 31<sup>st</sup> 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"> <li>- There is no actuary valuation of gratuity and leave encashment liabilities of the school.</li> <li>- 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.</li> </ul> <p>Thus, school is hereby directed:</p> <ul style="list-style-type: none"> <li>- To have actuary valuation of its gratuity and leave encashment liabilities;</li> <li>- To disclose its liabilities on account of gratuity and leave encashment along with the corresponding</li> </ul>



S. No.	Common Observation	Clarification given by DAV CMC	Remarks
			<p>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 Fund/ Loan 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 interest received /receivable should be attached with next year's fee hike proposal.



No.	Common Observation	Clarification given by DAV CMC	Remarks
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 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	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>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.	<p>The school has not followed proper procedure for awarding building repair contracts. Findings by the inspecting team are detailed below:</p> <p>(i) Quotations were not invited from independent bidders.</p> <p>(ii) In almost every contract bids are taken from only three bidders repeatedly.</p> <p>(iii) Out of which M/s Vishesh Construction Co comes as a successful bidder.</p> <p>(iv) The other unsuccessful bidders are not identifiable.</p> <p>(v) The school has incurred financial loss resulting from these building repair contracts mentioned above, as the contractor inflated the bills to a substantial level.</p> <p>(vi) As per the financials of F.Y. 2015-16, the expenditure on building repairs was 19.95 lac.</p>	<p>The school has been carrying out repair to the building every year as the building is old. Payment made to M/s Vishesh during FY 2015-16 amounts to Rs. 13.50 lacs and Rs. 6.45 lacs to other contractors. M/s Vishesh is paid at DSR rates. The school keeps a check on the rates of M/c Vishesh by cross verifying the rates of other contractors.</p>	<p>School should implement proper internal control system in relation to procurement of goods and services ensuring that all contracts are entered at Arms' length prices only. Compliance shall be verified at the time of next fee increase proposal of the school.</p>
2.	<p>As per clause 14 of Order No. F.DE./15(56)/Act/ 2009/778 dated 11.02.2009, Development fee, if required</p>	<p>The school has collected development fee and</p>	<p>School is not allowed to treat development fee as revenue receipt and is</p>



	<p>to be charged, shall be treated as capital receipt and shall be collected only if the school is maintaining a depreciation reserve fund. Further, development fee can be used for supplementing resources for purchase, upgradation and replacement of furniture, fixtures and equipment. It is observed that,</p> <ul style="list-style-type: none"> <li>(i) The school collected development fees and treated it as revenue receipt.</li> <li>(ii) The school does not maintain a depreciation reserve fund.</li> <li>(iii) The school does not maintain separate fund for Development Fees, which violates rule 152 of the Delhi School Education Act, 1973.</li> </ul>	<p>has utilised it for repairs and maintenance of fixed assets and on additions to fixed assets.</p>	<p>required to maintain a depreciation reserve fund. School is directed to do proper accounting of the development fee collected and separate fund account should be maintained and should be utilised for the purposes for which it was collected in accordance with clause 14 of the order dated 11.02.2009. Compliance shall be verified at the time of next fee increase proposal of the school. School should charge development fee unless it comply with the conditions of this Directorate in this regard.</p>
3.	<p>As per clause 18 of Order No. F.DE./15 (56) /Act /2009 / 778 dated 11/02/2009, no Caution Money/ Security Deposit of more than 500/- per student shall be charged. The caution money thus collected shall be kept deposited in a Scheduled Bank in the name of the concerned school and shall be returned to the student at the time of his/her leaving the school along with the bank interest thereon irrespective of whether or not he/she requests for a refund. The un refunded amount should be transferred as income in the next financial year after the expiry of 30 days. The observation noted on the above lines are as follows:</p> <ul style="list-style-type: none"> <li>(i) In case of students transferred from other schools caution money has been received in excess of Rs. 500.</li> <li>(ii) Caution money refunded without any interest amount thereon, violation of Clause 3 of Public notice dated 04.05.1997.</li> <li>(iii) The school is treating the un-refunded money as income after the expiry of 3 years instead of 30 days</li> <li>(iv) Transactions with DAV CMS were observed in the financials (F.Y 2015-16).</li> </ul>	<p>Since, no interest is earned on caution money only principal amount is being refunded. Unclaimed caution money shall be shall be treated as income during current FY.</p> <p>The school is paying administrative charges to DAV CMC in order to meet the cost involved for managing various retirement funds for staff and to meet expenses of seminars, income tax assessment, audit, training programs</p>	<p>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.</p> <p>Though practice followed by DAV Schools is not in consonance with DSEA&amp;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.</p>



		and guidelines, etc., to the school.	
4.	As per Clause 22 of Order No. F.DE./15 (56) /Act /2009 /778 dated 11/02/2009, earmarked levy will be calculated and collected on 'no profit no loss' basis and spent only for the purpose for which they are being charged. All transactions relating to the earmarked levies shall be an integral part of the school accounts and any surplus recognized shall be recorded as earmarked levy fund. School is charging transport fees, Computer fees etc. from the students and is not recognizing the surplus as a separate fund.	The surplus of earmarked levies is used for meeting short fall in tuition fees.	As per clause 22 of the order dated 11.02.2009, school is to charge earmarked levies on 'no profit no loss' basis. The school should follow DOE instructions in this regard.

And whereas, after going through the representations dated 16.03.2017 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:-

Apart from the above, the school is having a surplus fund of Rs. **1,36,88,761/-** as per the following details:-

Particulars	Amount(Rs)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	36,18,742
Investment as on 31.03.16 as per audited Financial Statements	1,23,08,144
Total	1,59,26,886
Less: Development Fund and Depreciation Reserve Fund	-
Available Funds	1,59,26,886
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)	5,24,75,281
Other income for 2015-16 as per financial statement	17,87,787
Estimated availability of funds for 2016-17	7,01,89,954
Less: Budget expenses for the session 2016-17 as submitted by school management*	5,65,01,193
<b>Net Surplus**</b>	<b>1,36,88,761</b>

#School has not maintained any depreciation reserve fund and also, has utilised development fund for purposes other than mentioned in clause 14 of the said order. Hence, these are 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 35%. 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.



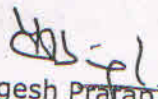
Accordingly, it is hereby conveyed that the representations for fee hike of Jhabban Lal DAV Senior Secondary Public School, J-Block, Paschim Vihar, New Delhi-110063, has been rejected by the Director of Education.

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. 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).
4. 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

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

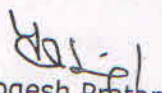
The Manager/HoS  
Jhabban Lal DAV Senior Secondary Public School,  
J-Block, Paschim Vihar, New Delhi—110063

No. F. DE-15/ACT-I/WPC-4109/PART/13/907-311

Dated: 26/9/2017

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