

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/ 943

Dated: 04/10/2017

ORDER

Whereas, the request of Suraj Bhan DAV Public School, F-10/15, Vasant Vihar, New Delhi-110057 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/13/630-634 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 Suraj Bhan DAV 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 the said school on 19.05.2017 at 03.00PM 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 03.00PM 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

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	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.

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
		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.	
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 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; - To disclose its liabilities on account of gratuity and

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			<p>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 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

S. No.	Common Observation	Clarification given by DAV CMC	Remarks
			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 the expenses to be withdrawn from this account. The schools have	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>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	
1.	The school almost spent Rs 1.32 crore towards repairs and maintenance charges (on building - Rs 97.25 lakhs, on furniture and fixture - Rs 7 lakhs, on others - Rs 13 lakhs and on miscellaneous - Rs 15 lakhs). However, the school does not have any contract for such expenses. The amount spent on repairs and maintenance is around 10% of the total amount which is material with respect to cost analysis. Considering the fact reported in the inspection report, that the school has contract even for even petty expenses, it is a matter of concern that the school has no contract for these costs.	The school has followed proper procedure for repair work and contract was awarded after the invitation of quotation and tender. The building is almost 35 years old and no major repair work was carried out till about two years ago.	
2.	As per clause 14 of Order No. F.DE.	The school has collected	

	<p>/15(56)/Act/2009/778 dated 11.02.2009, 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 reserve fund. Further, development fee can be used for supplementing resources for purchase, upgradation and replacement of furniture, fixtures and equipment. As per the inspection report,</p> <ol style="list-style-type: none"> The school has collected development fees and treated it as revenue receipt. The school does not maintain separate fund for Development Fees, which is in violation to rule 152 of the Delhi School Education Act, 1973. 	<p>Rs. 127.73 lacs and utilised development fee for purchase of furniture, fixtures and equipments to the tune of Rs. 38.14 Lacs and Rs. 93 lacs for repair expenses in FY 2015-16 and hence, the school do not have any surplus to transfer to development fund.</p>	
3.	<p>The school is not following the fund based accounting as required by the Act. The school is neither maintaining separate funds on the basis of the purpose of collection of the funds nor are their utilisation reports being prepared. Also, as per clause 22, earmarked levies will be calculated and collected on 'no profit no loss' basis and spent only for the purpose for which they are being charged. The funds collected for specific purposes under development fund and earmarked fund are being collectively used along with the tuition fees to meet the day to day expenses of the school. No separate accounting or records are being maintained by the school for the funds collected for specific purposes. The surplus or deficit of earmarked funds have been quantified as detailed below (Accumulated amount for 2013-14, 2014-15 and 2015-16):</p> <ul style="list-style-type: none"> Transportation Fees 2,51,24,101 Other earmarked levies 3,44,13,623 Total 5,95,37,724 	<p>The surplus of earmarked levies is being used to meet establishment cost as tuition fee is not sufficient to cover it.</p>	
4.	<p>School has a number of transactions with DAV CMC during the year 2013-14, 2014-15 & 2015-16 in The nature of current account balance and Capital fund balance and balance with</p>	<p>As per the financial scheme each school maintains three bank accounts viz. School Account and Pupil Fund</p>	

publication department Amounting to Rs 7.08 Cr, Rs.7.91 Cr and Rs.8.55 Cr respectively.

Particulars	2013-14 (Rs.)	2014-15 (Rs.)	2015-16 (Rs.)	Total (Rs.)
Current Account balance with DAV CMC	4,57,95,133	5,21,20,647	5,66,82,988	15,45,98,768
Capital fund with DAV CMC	2,42,17,526	2,61,54,928	2,82,47,322	7,86,19,776
Balance with DAV Publication Division	8,59,006	8,31,682	6,67,422	23,58,110
Total	7,08,71,665	7,91,07,257	8,55,97,732	23,55,76,654

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-à-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.

The school has maintained this amount against contingency fund for 3 months salary amounting Rs. 3,44,86,632/- with DAV CMC. The deposits are earning interest @8% p.a. which is higher than the Bank FD rates.

The amount is due against purchase of books from DAV publication division.

5. It is understood that as practice The gratuity and leave

<p>adopted by the schools under the management of DAV CMC, 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.</p>	<p>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 are Rs. 1,47,59,092/- and Rs. 86,81,098/- respectively.</p>	
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Other discrepancies:

S. No.	Detail of discrepancy	Submissions of the school	Remarks
1.	<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</p>	<p>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.</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</p>

S. No.	Detail of discrepancy	Submissions of the school	Remarks
	lines are as follows: i. Caution money refunded without any interest amount thereon, violation of Clause 3 of Public notice dated 04.05.1997. ii. The school is not treating the un-refunded money as income in the next financial year after the expiry of 30 days.		instructions in this regard. Compliance shall be verified at the time of next fee increase proposal of the school, if any.

And whereas, after going through the representations dated 30.03.2017 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. **10,03,98,609/-** as per the following details:-

Particulars	Amount (Rs.)
Cash and Bank balances as on 31.03.16 as per audited Financial Statements	6,90,99,073
Investment as on 31.03.16 as per audited Financial Statements	1,10,47,739
Add: Amount with DAV CMC (Reserve fund and current account with DAV CMC)	8,49,30,310
Total	16,50,77,122
Less: Development Fund*	-
Less: Depreciation Reserve Fund	4,16,65,041
Available Funds	12,34,12,081
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)	13,16,87,330
Other income for 2015-16 as per financial statement	1,28,24,855
Estimated availability of funds for 2016-17	26,79,24,266
Less: Budget expenses for the session 2016-17 as submitted by school management#	16,75,25,657
Net Surplus**	10,03,98,609

*In the balance sheet of the school for FY 2015-16, development fee fund is nil.

The school has submitted its total expenses for FY 2016-17. The increase in establishment expenses for the year is around 17%. 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. Further, school has also budgeted for Vehicles which amounts Rs. 55,00,000/-. This expenditure is not considered in the above calculation as same cannot be charged from each student and the school should purchase the vehicles out of the accumulated surplus generated from transport fee. Also, school has proposed for Building Construction amounting to Rs. 25,00,000/- and it is 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 only made out of the savings of the school. School has also proposed revenue expenditure against repairs and maintenance of buildings, lifts, renovation of labs and development of grounds amounting to Rs. 1,25,00,000/-, Rs. 60,00,000/-, Rs. 2,00,00,000/- and Rs. 1,00,00,000/- respectively.

These expenditures seems to be budgeted on higher side and therefore, only 50% of these expenses are considered in above calculations

**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 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 is having sufficient surplus funds to meet the financial implications for the financial year 2016-17 and the representation dated 30.03.2017 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 Suraj Bhan DAV Public School, F-10/15, Vasant Vihar, New Delhi-110057, 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).

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-1
Private School Branch
Directorate of Education

To

The Manager/HoS
Suraj Bhan DAV Public School,
F-10/15, Vasant Vihar, New Delhi-110057
No. F. DE-15/ACT-I/WPC-4109/PART/13/ 943
Copy to:-

Dated: 04/10/2017

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