

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

No. NO. F.DE.15(261) / PSB / 2019 / 1425-1429

Dated: 29/03/2019

ORDER

WHEREAS, this Directorate vide its order No. DE.15 (318)/PSB/2016/19786 dated 17 Oct 2017 of Directorate of Education, Govt. of NCT of Delhi, has issued 'Guidelines for implementation of 7th Ceq. : Pay Commission's recommendations in private unaided recognized schools in Delhi' and required that private unaided schools, which are running on land allotted by DDA/other govt. agencies with the condition in their allotment letter to seek prior approval of Director (Education) before any fee increase, need to submit its online fee increase proposal for the academic session 2017-2018. Accordingly, vide circular no. 19849-19857 dated 23 Oct 2017 the fee increase proposals were invited from all aforesaid schools till 30 Nov 2017 and this date was further extended to 14 Dec 2017 vide Directorate's order No. DE.15 (318)/PSB/2016/20535 dated 20 Nov 2017 in compliance of directions of Hon'ble High Court of Delhi vide its order dated 14 Nov 2017 in CM No. 40939/2017 in WPC 10023/2017.

AND WHEREAS, attention is also invited towards order of Hon'ble High Court of Delhi dated 19 Jan 2016 in writ petition No. 4109/2013 in the matter of Justice for All versus Govt. of NCT of Delhi and others where it has been directed by the Hon'ble Delhi High Court that the Director of Education has to ensure the compliance of term, if any, in the letter of allotment regarding the increase of the fee by all the recognized unaided schools which are allotted land by DDA.


AND WHEREAS, The Hon'ble High Court while issuing the aforesaid direction has observed that the issue regarding the liability of Private unaided Schools situated on the land allotted by DDA at concessional rates has been conclusively decided by the Hon'ble Supreme Court in the judgment dated 27 Apr 2004 passed in Civil Appeal No. 2699 of 2001 titled Modern School Vs. Union of India and others wherein Hon'ble Supreme Court in Para 27 and 28 has held as under:-

"27....

(c) It shall be the duty of the Director of Education to ascertain whether terms of allotment of land by the Government to the schools have been complied with...

28. We are directing the Director of Education to look into the letters of allotment issued by the Government and ascertain whether they (terms and conditions of land allotment) have been complied with by the schools.....

.....If in a given case, Director finds non-compliance of above terms, the Director shall take appropriate steps in this regard."



AND WHEREAS, the Hon'ble Supreme Court in the above said Judgment also held that under section 17(3), 18(4) read along with rule 172, 173, 175 and 177 of Delhi School Education Rules, 1973, Directorate of Education has the authority to regulate the fee and other charges to prevent commercialization of education.

AND WHEREAS in response to this directorate's circular dated 23 Oct 2017 referred to above, **Richmond Global School, (School ID-1617162), Paschim Vihar, Delhi-110063** submitted its proposal for enhancement of fee for the academic session 2017-2018 in the prescribed format including the impact on account of implementation of recommendations of 7th CPC with effect from 1 Jan 2016.

AND WHEREAS, in order to ensure that the proposals submitted by the schools for fee increase are justified or not, this Directorate has deployed teams of Chartered Accountants at HQ level who has evaluated the fee increase proposals of the school very carefully in accordance with the provisions of the DSEA, 1973, the DSER, 1973 and other orders/ circulars issued from time to time by this Directorate for fee regulation.

AND WHEREAS, the school was provided an opportunity for discussion on 9 August 2019 at 2:00 PM along with submission of necessary records and explanations, but the school submitted a letter requesting that the proposal for fee increase may be kept pending till the inspection in relation of a complaint against the school ordered by the Directorate of Education is complete and outcome of the Inspection Report.

AND WHEREAS, school was provided additional opportunity for discussion on 5 March 2019 at 2:00 PM along with submission of necessary records and explanations, but the school again requested for extending the timeline for submission of documents and opportunity of being heard. Considering school's request for extension, the school was provided another opportunity to submit requisite documents and appear for discussion on 12 March 2019 at 2:00 PM, but the school did not submit any document and did not turn up for discussion nor any communication was received for adjournment of hearing. Further, taking a lenient view, one more opportunity was provided for discussion by rescheduling the date of personal hearing to 15 March 2019 at 2:00 PM, but again the school did not submit any document and did not turn up for discussion nor did it send any communication for adjournment of hearing.

AND WHEREAS, based on above, evaluation of fee proposal of the school cannot be carried out as the school has not submitted complete set of documents required for evaluation of the proposal for fee increase and it appears that the school do not want its fee proposal to get evaluated as it has not submitted the required clarifications/justifications and the school is not willing to cooperate with the Directorate.

AND WHEREAS, in the light of provisions of DSEA, 1973, DSER, 1973, guidelines, orders and circulars issued from time to time by this Directorate, it was recommended by the team of Chartered Accountants that since the evaluation of the fee proposal of the school could not be carried out on account of non-submission of the complete set of documents by the school, the fee increase proposal of the school may be rejected.

AND WHEREAS, recommendations of the team of Chartered Accountants along with relevant materials were put before Director of Education for consideration and who after considering all material on record has found that the school has not submitted relevant records/documents and requisite explanations/justifications and that the fee increase proposal of the school could not be evaluated. Therefore, Director (Education) rejects the proposal submitted by the school for enhancement of fee for the academic session 2017-2018 with direction to DDE (District) to carry out necessary action against the school as per the provisions of DSEA&R, 1973 as well as directions of the Hon'ble court.

Accordingly, it is hereby conveyed that the proposal for enhancement of fee for session 2017-2018 of **Richmond Global School, (School ID-1617162), Paschim Vihar, Delhi-110063** has been rejected by the Director of Education. Further, the management of said school is hereby directed under section 24(3) of DSEA, 1973 to comply with the following directions:

1. Not to increase any fee/charges during FY 2017-2018. In case, the school has already charged increased fee during FY 2017-2018, the school should make necessary adjustments from future fee/refund the amount of excess fee collected, if any, as per the convenience of the parents.
2. To communicate with the parents through its website, notice board and circular about rejection of fee increase proposal of the school by the Directorate of Education.

Non-compliance of this order or any direction herein shall be viewed seriously and will be dealt with in accordance with the provisions of section 24(4) of Delhi School Education Act, 1973 and Delhi School Education Rules, 1973.

This order is issued with the prior approval of the Competent Authority.



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

To:

The Manager/ HoS
Richmond Global School
School ID 1618180
Paschim Vihar, Delhi-110063

1277

No. F DE.15(261)/PSB/2019 | 1425 - 1429

Dated: 29/03/19

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 Spl. Director of Education (Private School Branch), Directorate of Education, GNCT of Delhi.
4. DDE (District) concerned is directed to take necessary action for non-submission of documents by the school as per the provisions of DSEA&R, 1973 and directions of the Hon'ble court.
5. Guard file.



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