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

No. F.DE.15 (219)/PSB/2019/1180-1184

Dated: 29/03/19

Order

WHEREAS, this Directorate vide its order No. DE.15 (318)/PSB/2016/19786 dated 17.10.2017 issued 'Guidelines for implementation of 7th Central Pay Commission's recommendations in private unaided recognized schools in Delhi and directed that the 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, needs to submit their online fee increase proposal for the academic session 2017-18. Accordingly, vide circular no. 19849-19857 dated 23.10.2017, the fee increase proposals were invited from all aforesaid schools till 30.11.2017 and this date was further extended to 14.12.2017 vide Directorate's order No. DE.15 (318)/PSB/2016/20535 dated 20.11.2017 in compliance of directions of Hon'ble High Court of Delhi vide its order dated 14.11.2017 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 19.01.2016 in writ petition No. 4109/2013 in the matter of Justice for All versus GNCTD and others wherein it has been directed by the Hon'ble Delhi High Court that the Director of Education will ensure the compliance of conditions, if any, in the letter of allotment regarding prior approval of Director of education for the increase of fee by all the recognized unaided schools which are allotted land by DDA.

AND WHEREAS, the Hon'ble High Court of Delhi 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 27.04.2004 passed in Civil Appeal No. 2699 of 2001 titled Modern School V. 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.....



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.....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) of Delhi School Education Act, 1973 read 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 pursuance to circular dated 23.10.2017 of this Directorate, **Vidya Public School, Vidya Bhawan, Opp Kali Mandir, Bangla Sahib Road, Connaught Place, New Delhi-110001 (School Id 2026128)** had submitted the proposal for increase in fee for the academic session 2017-18 including the impact on account of implementation of recommendations of 7th CPC.

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 expert Chartered Accountants at HQ level who have evaluated the fee 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, necessary records and explanations were called from the school vide email dated April 05, 2018. However, school has not submitted any documents/ clarifications. Further, school was provided opportunity to appear for discussion on June 19, 2018 along with submission of necessary records and explanations but no response was received from the school. Further, school was provided another opportunity to appear for discussion on June 21, 2018 but neither the school turned 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 for discussion on July 25, 2018 but again neither the school turned up for discussion nor any communication was received for adjournment of hearing. Further, school was sent a letter on August 06, 2018 by post to cooperate with the department in evaluation of fee increase proposal yet again no response received from the school. Therefore, it can be concluded that the school do not have any documents /explanations to offer in respect of their fee increase proposal.

AND WHEREAS, the documents uploaded on the web portal for fee increase were evaluated by the team of Chartered Accountants.

AND WHEREAS, the School has neither appeared for discussion nor has submitted any documents and clarifications/ justifications as required from the school.

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It seems that the School do not want its fee proposal to get evaluated. The lists of document which the school has not provided are given below.

- a. Original fee receipts issued during the financial year 2014-15, 2015-16 and 2016-17 for each class (at least 2 students)
- b. Copy of fee collection registers for the financial year 2014-15, 2015-16 and 2016-17
- c. Item-wise details/breakup/justification for the proposed increase (or decrease) for all revenue expenditure and capital expenditures as per budgeted statement for session 2017-18 against actual expenditure incurred during 2016-17 along with relevant documents to substantiate its claim
- d. Copy of salary payment register (or Pay bill register) for two months before implementation of 7th CPC and two months after implementation of 7th CPC alongwith proof of disbursements of salaries and arrears
- e. Copy of TDS return and PF return for the financial year 2016-17
- f. Whether provision for gratuity and leave encashment were made on the basis of actuarial valuation? If yes, please provide me the details.
- g. Details of building and other assets transferred from first step in FY 2015-16
- h. School needs to submit the detailed calculation of fee collected during the year 2014-15, 2015-16 and 2016-17 (i.e. number of student as per EWS scheme/ other students, fee structure, computation of fee for the year 2016-17 etc.)
- i. Details of return filed with district under rule 180 for the year 2016-17 is to be submit by school.
- j. Justification on non-preparing the financial statements in accordance with Appendix-II of order dated 16.04.2016.
- k. Whether the school has filed statement of fees by 31st March for the years 2015-16 and 2016-17 before the commencement of the academic session under section 17(3) of the Act. If yes, please provide the details.
- l. Whether school is collecting donation in any name from the students at the time of admission? If yes, please provide the details.
- m. Is there any complaint of parents against school in relation to fee hike? If yes, whether the same has been duly disposed of?
- n. Detailed calculation of late fee/fine collected during the year 2014-15, 2015-16 and 2016-17.

Based on above, evaluation of fee proposal of the School cannot be carried out as the school has not appeared for discussion and has not submitted documents/ clarifications asked for. It seems that the School do not want its fee proposal to get evaluated 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 expert Chartered Accountants that since the evaluation of fee proposal of the School could not be carried out as the school has not appeared for discussion and has not submitted any documents/ clarifications as required from the school, the fee increase proposal of the school may not be accepted.

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AND WHEREAS, recommendations of the team of expert Chartered Accountants along with relevant material were put before the Director of Education for consideration and who after considering all the material on the record, found that since the School has not appeared for discussion and has not submitted relevant documents /clarifications, has rejected the proposal of fee increase submitted by the said school with the direction to DDE (District) to process necessary action against the School as per the provisions of DSEA & R, 1973 as well as direction of Hon'ble Court.

Accordingly, it is hereby conveyed that the proposal of fee increase of **Vidya Public School, Vidya Bhawan, Opp Kali Mandir, Bangla Sahib Road, Connaught Place, New Delhi-110001 (School Id 2026128)** is rejected by the Director of Education.

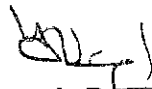
Further, the management of said school is hereby directed under section 24(3) of DSEAR 1973 to comply with the following directions:

1. Not to increase any fee in pursuance to the proposal submitted by school for the academic session 2017-18 and if, the fee is already increased and charged for the academic session 2017-18, the same shall be refunded to the parents or adjusted in the fee of subsequent months.
2. To communicate the parents through its website, notice board and circular about rejection of fee increase proposal of the school by the Directorate of Education.
3. To ensure that the salaries and allowances shall come out from the fees whereas capital expenditure will be a charge on the savings in accordance with the principles laid down by Hon'ble Supreme Court of Delhi in its Judgment of Modern School vs Union of India. Therefore, school not to include capital expenditure as a component of fee structure to be submitted by the school under section 17(3) of DSEA, 1973.
4. To utilise the fee collected from students in accordance with the provisions of Rule 177 of the DSER, 1973 and orders and directions issued by this Directorate from time to time.
5. In case of submission of any proposal for increase in fee for the next academic session, the compliance of the above directions will also be attached.

Non-compliance of this order or any direction herein shall be viewed seriously and will be dealt with the provision of Section 24(4) of DSEA, 1973 and DSER, 1973.

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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

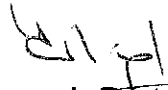
To
The Manager/ HoS
Vidya Public School,
Vidya Bhawan, Opp Kali Mandir,
Bangla Sahib Road, Connaught Place,
New Delhi-110001 (School Id 2026128)

No. F.DE.15 (219)/PSB/2019/ 1180 - 1184

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 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
(Private School Branch)
Directorate of Education, GNCT of Delhi