

CHAPTER III
OPENING OF NEW SCHOOLS OR CLASSES OR CLOSURE
OF EXISTING SCHOOLS OR CLASSES

44. Notices of intention to open a new school— (1) With a view to enabling the Administrator to arrange for the planned development of school education in Delhi, every individual, association of individuals, society or trust, desiring to establish a new school, not being a minority school, shall, before establishing such new school, give an intimation in writing to the Administrator of his or their intention to establish such school.

(2) The intimation, referred to in sub-rule (1), shall contain the following particulars, namely :—

- (a) the Zone in which the new school is proposed to be established, and the approximate number of students likely to be educated in such schools;
- (b) the stage of education intended to be imparted in the new school;
- (c) the number of schools of the intended stage in existence in the Zone where the new school is proposed to be established and the population of such a Zone;
- (d) whether the person proposing to establish the new school have any alternative Zone in view; and if so, the particulars of such alternative Zone with respect to the matters specified in clauses (a) and (c);
- (e) the particulars including measurements of the building or other structure in which the school is proposed to be run;
- (f) the financial resources from which the expenses for the establishment and running of the school are proposed to be met and whether any application is proposed to be made for any aid;
- (g) the composition of the managing committee of the proposed new school until the new school is recognised and a new managing committee is constituted in accordance with the scheme of management made under the Act;
- (h) the proposed procedure, until its recognition under the Act, for the selection of the head of the school and other teachers and non-teaching staff and the minimum qualifications for their recruitment;
- (i) the proposed scales of pay for the head of the school and other teaching and non-teaching staff until the school is recognised under the Act;

- (j) admission, tuition and other fees which would be levied and collected until its recognition under the Act, from the student of the proposed new school;
- (k) any other facility which is proposed to be provided for the students of the proposed new school.

(3) The Administrator may, after considering the particulars specified in the intimation given to him under sub-rule (2) and after making such inquiries as he may think fit, inform the person or persons by whom the intimation was given to him whether or not opening of the proposed new school would be, in the public interests:

Provided that the Administrator shall, if he is of opinion that the number of schools existing in the Zone where the new school is proposed to be opened is sufficient to meet the needs of the Zone, inform the person or persons by whom the intimation was given to him that the opening of the new school in such Zone would be against the public interest and may indicate, to such person or persons, any other Zone which, in his opinion, needs the establishment of a new school, and thereupon it would be open to such person or persons to open a new school in the Zone indicated by the Administrator.

45. Opening of new classes in schools— (1) No recognised school, not being an unaided minority school, without giving full justification, shall open any new class other than the ones which have received approval from the appropriate authority.

(2) In the case of unaided minority schools, opening of new classes shall be subject to such norms as may be specified by the appropriate authority.

46. Closing down of a school or any class in a school— No managing committee shall close down a recognised school, not being an unaided minority school, or an existing class in such school without giving full justification and without the prior approval of the Director, who shall, before giving such an approval, consult the Advisory Board.

47. Absorption of surplus ¹[employee] etc.— (1) Where as a result of—

- (a) the closure of an aided school or any class or classes in any aided school; or
- (b) withdrawal of recognition from an aided school; or
- (c) withdrawal of aid from an aided school,

Any student or employee becomes surplus, such student or employee, as the case may be, ²[may be absorbed] as far as practicable, in such Government school or aided school as the Administrator may specify :

Provided that the absorption in Government service of any employee who has become surplus shall be subject to the availability of a vacancy and shall be subject

1. Subs. by DSE(A)R, 1990, R. 10(a).

2. Subs. by DSE(A)R, 1990, R. 10(b).

further to the condition that the concerned employee possesses the requisite qualifications for the post and has not been retrenched by the management of the aided school on any ground other than the ground of closure of the school or any class or classes of the school, or withdrawal of recognition or aid from the school :

Provided further that where any such surplus employee is absorbed in a Government school, he shall be treated as junior to all the persons of the same category employed in the Government Schools on the date immediately preceding the date on which he is so absorbed, and where such surplus employee is absorbed in an aided school, he shall rank as junior to all the persons of the same category employed in that school on the date immediately preceding the date on which he is so absorbed.

(2) Where any surplus ¹[employee] is absorbed under sub-rule (1) :—

- (a) the salary and other allowance last drawn by him at the school from which he has become surplus shall be protected;
- (b) his provident fund account shall be transferred to the school in which he is so absorbed, and thereupon such provident fund shall be governed in accordance with the rules and regulations in force in that school in relation to provident fund; and
- (c) the period of his qualifying service in the school in which he had worked before such absorption and any previous period of qualifying service, if any, in any recognised aided school in Delhi shall be taken into account for the purpose of computing his pension and other retirement benefits.

(3) Without prejudice to the provisions of sub-rules (1) and (2), where an ¹[employee] becomes surplus by reason of the closure of any class or section thereof or the discontinuance of the teaching of any subject, such ¹[employee] ²[may be absorbed] in the first instance, as far as practicable, in such Government or aided school as the Administrator may specify, and if the class or section which was closed is reopened by the former school or if any new class or section thereof is opened by such school or if the subject, the teaching of which was discontinued, is re-introduced by such school, or strength of the ³[staff] of the former school is increased, such ¹[employee] shall be reabsorbed in the former school; but if such re-absorption does not take place within a period of five years from the date of absorption of such ¹[employee] in the Government or aided school, such ¹[employee] shall be regularly absorbed in such Government or aided school, as the case may be.

(4) Re-absorption of a ¹[employee] in a former school shall not affect his continuity of service or his seniority in relation to that school or his emoluments, provident fund, gratuity and other retirement benefits.

1. Subs. by DSE(A)R, 1990, R. 10(a).
2. Subs. by DSE(A)R, 1990, R. 10(b).
3. Subs. by DSE(A)R, 1990, R. 10(c).

Explanation— For the purposes of sub-rules (3) and (4), “former school” means the school from which an ¹[employee] had become surplus.

48. Transfer of provident fund and other moneys in certain cases— Where a ²[employee] leaves an aided school, whether in Delhi or outside and joins any other aided school in Delhi, it shall be lawful for the managing committee of school left by such ²[employee] to transfer to the aided school joined by such ²[employee] the moneys standing in the provident fund to the credit of such ²[employee] on the date when he had left the school and any other amount due to him by way of contribution towards pension and other retirement benefits, and it shall be lawful for the managing committee of the aided school so joined by the ²[employee] to credit the said amounts to the provident fund and other account of the ²[employee] and to take into account the period of approved service rendered by the ²[employee] in the first mentioned school for the purpose of computation of his pension and other retirement benefits.