

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
D I R E C T O R A T E O F E D U C A T I O N
(PRIVATE SCHOOL BRANCH)
OLD SECTT: DELHI-54

NO.DE.15 (04) /PSB/2017/ 12770

Dated:- 13/1/17

CIRCULAR

Private Unaided Recognized Schools in Delhi are governed by the provisions of Delhi School Education Act & Rules, 1973 which, inter-alia, includes the constitution of Selection Committee for appointment of Head of the school as envisaged in rule 96 of Delhi School Education Rules, 1973. Further as per Rule 50 (vi) of DSEAR, 1973, they are bound to comply with the provisions of the said Act and Rules.

CBSE vide its circular dated 21-12-2016 amended existing rule 25(2) of affiliation Bye-Laws of the Board, relating to constitution of the Selection Committee in the case of recruitment of the Head of the Private Unaided Recognized School as per the following:-

- i) the President of the Society.
- ii) the Chairman of the Managing Committee.
- iii) an educationist or a person having experience of administration of the school nominated by the managing committee in consultation with the Board.
- iv) A person nominated by the Chairman, CBSE and
- v) Nominee(s) of the State Government as per State Education Act.

The said constitution of Selection Committee is contrary to the provisions of Rule 96 (3) of Delhi School Education Rules, 1973.

Further, Rule 59 of DSEAR, 1973 provides for constitution of a Managing Committee in the school who is responsible for managing the affairs of the school including the appointments of employees, disciplinary action, administrative control on the staff etc. The said managing committee consists of Head of the school, representative of Parents and Teachers body, nominees of Director (Education) and some other members nominated/elected by the Society.

There is no provision in the said rule to induct the member nominated by CBSE in the managing committee of the Private Unaided Recognized Schools.

Ashtina/ain
13/1/2017

Since Private Unaided Recognized Schools in Delhi are bound to follow the provisions of Delhi School Education Act & rules, 1973, which has been enacted by the Parliament, therefore, any Bye-laws of affiliation of the CBSE or any other Board can't override the provisions of the Act passed by the Parliament.

Hon'ble High Court has also ruled in its judgment dated 11-02-2015 in the matter of N.R. Parashar Vs Managing Committee Cambridge School, Srinivaspuri & Ors (WPC No.2625/2014), specifically on prevailing of the provisions of Delhi School Education Act & Rules, 1973 upon the CBSE Bye-Laws, holding in Para 5 that as the schools in Delhi are governed by the Delhi School Education Act & Rules, 1973, the CBSE Bye-Laws will not apply and the Delhi School Education Act & Rules and the applicable circulars as issued by the Directorate of Education will be applicable.

In view of the above, all the Managers/Heads of Private Unaided Recognized Schools of Delhi are hereby directed to comply with the provisions of Rule 96 (3) of DSER, 1973 strictly with regard to constitution of Selection Committee in the case of recruitment of the Head of the School.

This issues with the prior approval of Competent Authority.

Ashima Jain
13/1/2017
(DR. ASHIMA JAIN), IAS
ADDL. DIRECTOR OF EDN. (PSB)

HoS/Manager
All Private Unaided Recognized Schools of Delhi

NO.DE.15 (04) /PSB/2017/ 12771-777

Dated:- 13/1/17

Copy to the:-

1. Secretary to Hon'ble Dy. Chief Minister/MoE, GNCT of Delhi.
2. Deputy Secretary (Affiliation), Central Board of Secondary Education, Shiksha Kendra -2, Community Centre, Preet Vihar, Delhi – 110092.
3. P.S. to Secretary (Education), Dte. of Education, GNCT of Delhi.
4. P.S. to Director (Education), Dte. of Education, GNCT of Delhi.
5. PA to Addl. DE (PSB), Dte. of Education, GNCT of Delhi.
6. All District DDEs.
7. OS (IT) with the direction to upload the same on the Departmental website.
8. Guard file.

Yogesh Pratap
(YOGESH PRATAP)
DY. DIRECTOR OF EDN. (PSB)