

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

NO: DE.15/Act-I/2012/2002-30  
**ORDER**

dated: 24/12/13

Whereas, land measuring 2.41 Acre in Kirti Nagar was allotted to S.D. Higher School (Gujarat) Society by the Ministry of Works Housing and supply, Land & Development Office, Govt. of India, vide its letter dated 31/05/1962 for the construction of a school building in which an aided school in the name of S.D (Gujarat) Sec. School was built and the same is still running,

And whereas, another society by the name of Kirti Nagar Sri Sanatan Dharam Sabha, Kirti Nagar Registration No: S/2484 of 1964-65 applied for opening of another school (without aid) in the premises of S.D. (Gujarat) School (Aided), Kirti Nagar,

And whereas, the Directorate of Education granted recognition in 1994 to the unaided school S.D. Public School, Kirti Nagar for running classes from 1<sup>st</sup> to 10<sup>th</sup> with the condition to shift the school within 2 years after obtaining land from DDA,

And whereas, an order No: 3840-3844 dated 16/05/2000 was issued by Director of Education through Act Branch for shifting of the SD Public School, Kirti Nagar within 02 years and to complete the process of shifting the unaided school by 31<sup>st</sup> March, 2002 where after recognition of the school at the said premises shall stand withdrawn,

And whereas, the management of S.D. Public School, Kirti Nagar filed a Civil Writ Petition No:1867 of 2002 in the High Court of Delhi against the order of Director of Education dated 16/05/2000 for shifting of the school, On 16/01/2004 the Hon'ble Court of Delhi set aside the impugned order dated 16/05/2000 on the ground that the said order was issued without serving any show cause notice calling upon the petitioner to explain as to why the unaided school should not be asked to shift from the premises. Hon'ble High Court had, however, clarified that it will not come in the way of the respondent (the Dte of Education) in issuing an appropriate notice to the petitioner and taking a decision after giving due hearing to the petitioner on the said issue,

And whereas, a special inspection was conducted u/s 24(2) of DSEA 1973 of S.D. Secondary School (Gujarat), Kirti Nagar (Aided

school) and S.D. Public School, Kirti Nagar (Unaided school) vide Order No: F.DE-15/Act/2006/2677-82 dated 17/05/2006.

And whereas, the Inspection team pointed out a number of violations and irregularities in the working of both the schools which were communicated to the school vide letter No. 265 dated 31/08/2006.

And whereas, it was also observed that Kirti Nagar Shri Sanatan Dharam Sabha (Regd) in its General Body Meeting held on 01/12/2002 decided the demerger of SD Public School Kirti Nagar with all assets and liabilities for effective merger into Sanatan Dharama Hr. Sec. School (Gujarat) Society, Kirti Nagar which in turn decided to accept the merger of the S.D. Public School, Kirti Nagar in its meeting held on the same day, i.e. on 01/12/2002. It was also observed that the SD Public School vide resolution dated 26/05/2003 endorsed the decision of the above two societies.

And whereas, the management committee of the SD Public School in a resolution passed on 26/05/2003 endorsed the decisions taken by both the societies for merger of S.D. Public school, Kirti Nagar into the Sanatan Dharam Hr. Sec. School (Gujarat) Society, Kirti Nagar.

And whereas, as per Rule 55(1) of the DSEAR 1973, if a recognized school is transferred to a different trust, society, individual or a group of individuals without the previous approval of the appropriate authority, its recognition shall lapse on such transfer and it shall, for the purpose of future recognition, be treated as a new school.

And whereas, SD Public School, Kirti Nagar was show caused vide show cause notice No 6485-86 dated 14/01/2013 as to why the recognition of the school should not be withdrawn from the academic session 2013-14 on account of aforesaid circumstances.

And whereas, S.D. Public School, Kirti Nagar submitted its reply/ clarification vide their letter No: SDPS/1663/2013 dated 18/02/2013.

And whereas, the reply/ clarification submitted by SD public school vide their letter No. SDPS/1663/2013 dated 18/02/2013 was examined on the basis of the relevant records and rule position and the same was not found satisfactory on the following grounds :-

1. School is laying importance on the condition contained in the essentiality certificate issued on 06.07.1993 wherein permission was granted to the society for establishing a new school from class I to XIIth in the premises of S.D. Secondary School (Gujrat)

with the condition that the society shall not apply for allotment of land for the construction of the school building on the basis of this EC. However, it is worth observing that while granting recognition to the SD Public school, Kirti Nagar vide letter No. W/146/Z-27/4466 dated 13.09.1994, it was specifically mentioned that the management of the school will obtain land from DDA in the name of the Society and shall construct a school building thereon within the period of 02 years. It was also mentioned in the said letter that the shifting of the school should be completed before opening of the school. The main premise for running a school is the Recognition granted to a school. The DSEAR, 1973 also lays emphasis on the school to follow the conditions laid on it while being granted recognition. If the school had any objections to the conditions laid down for granting recognition, it should not have taken the recognition or should have represented against it before the Directorate of Education which it has not done, even till date. Therefore the school is bound to follow the conditions of the Recognition order.


2. The school neither initiated any action for obtaining land from DDA for shifting the school from the premises of the aided school nor showed any intention to do so in contradiction to the aforesaid condition laid down while granting recognition.
3. Kirti Nagar Shri Sanatan Dharam Sabha (Regd) in its General Body meeting held on 01/12/2002 decided to merge S.D. Public School, Kirti Nagar with all assets and liabilities into Sanatan Dharam Hr. Sec. School (Gujarat) Society, Kirti Nagar. The Sanatan Dharam Hr. Sec. School (Gujarat) Society, Kirti Nagar also decided to accept the merger of the S.D. Public School, Kirti Nagar in its meeting held on the same day i.e. 01/12/2002. Further, the management Committee of the SD Public School in a resolution passed on 26/05/2003 endorsed the decisions taken by both the societies for merger of the SD Public School, Kirti Nagar into Sanatan Dharam Hr. Sec. School (Gujarat) Society, Kirti Nagar. The school vide its reply dated 18.02.2013 in reply to para 9 & 10 has accepted this fact.
4. The SD Public School, Kirti Nagar was transferred from Kirti Nagar Sanatan Dharam Sabha to SD Higher Secondary School (Gujarat) Society, Kirti Nagar without prior approval of the Directorate of Education and as per Rule 55(1) of DSEA & R, 1973, it is a case of automatic lapse of recognition of S.D. Public School, Kirti Nagar.

In view of the foregoing violations of order No: 3840-3844 dated 16/05/2000 and violation of rule 55(1) of the DSEAR 1973, there is no reason to continue the recognition of the school.

Now, therefore, in view of the facts and circumstances mentioned above, violation of Rule 50(vi), Rule 55 (i) and continuous non compliance of directions issued by the Directorate of Education, I, Amit Singla, Director (Education) in exercise of powers conferred upon me under section 4(4) and Rule 56(1) of DSEAR, 1973, hereby order to withdraw the recognition of S.D. Public School, Kirti Nagar, New Delhi-110015 with effect from 31<sup>st</sup> March 2014, keeping in mind the interest of the children presently enrolled in the school in the current session..

It is further ordered that the school shall not accept any admission from the session 2014-15 onwards. The students already enrolled shall be adjusted in the nearby Government schools in consultation with the District DDE.

It is also conveyed to the Managing Committee of S.D. Public School, Kirti Nagar, New Delhi in clear terms that the entire onus of communication of information about the withdrawal of recognition of the school to the students of the school and their parents and the general public through appropriate means including publication of proper notices in leading daily national newspapers is exclusively on the Managing Committee of the school at its own risk and responsibility, as the Managing Committee of the school is solely responsible for the withdrawal of recognition and the consequences thereof.

  
(AMIT SINGLA)  
DIRECTOR (EDUCATION)

**The Manager,  
S.D. Public School, Kirti Nagar,  
New Delhi-110051.**

NO: DE.15/Act-I/2012/20022-30

dated: 24/12/13

Copy forwarded for information to: -

1. Chairman, CBSE, Preet Vihar, Delhi.
2. Dy. Land & Development Officer, Ministry of Urban Development, Govt of India, Nirman Bhawan, New Delhi 110001
3. P.S. to Principal Secretary (Education)

4. P.S. to Director (Education)
5. P.A. to Addl. Director (Act-I)
6. RDE (West)
7. Dy. Director, West (A) with the direction to serve the order upon the school against acknowledgement and to do the needful, to the effect of the above order, for making alternative arrangements for adjusting the students already enrolled in the school in nearby government schools so that their studies are not disrupted.
- ✓ 8. APIO (IT) with the direction to upload this order on Web-site.

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**(P. LATA TARA)**  
**ASST. DIRECTOR OF EDUCATION (ACT-I)**