

**GOVERNMENT OF N.C.T. OF DELHI
DIRECTORATE OF EDUCATION (ACT-I BRANCH)
OLD SECRETARIATE, DELHI - 110 054**

No. DE-15/Act-I/2015/29304-29307

Dated: 09/03/2015

ORDER

1. Whereas a 'Public Interest Litigation'(PIL) vide WP(C)- 4961/2013, Titled justice for All and Govt. of NCT of Delhi & Anr had been filed by a group 'Justice for All' in Hon'ble High Court of Delhi, wherein , it had been alleged that Unaided Recognized Public School are not filing correct 'Annual Returns' which they have to file in terms of Section 17(3) and Section -24 of DSEA-1973 read with Rules-170 and 180 of Delhi Schools Education Rules 1973. It was pointed out in the said petition that these schools are concealing the exact enrolment of students in their schools while submitting the 'Annual Returns' thus showing less revenue earned in a particular year and which becomes a legitimate reason to illegally hike fees in subsequent year in their schools. The Hon'ble High Court of Delhi vide order dated 24/01/2014 directed that the representation dated 03/10/2012 filed by the petitioner in the above said case by the petitioner be disposed of by the department and the result thereof be communicated to the petitioner.

2. Whereas the **Recognized Unaided Public Schools** of Delhi are governed by *Delhi School Education Act & Rules 1973* and these schools are to submit '**Annual Returns**' and related documents to this department as per annexure II, under Rule 180 of DSER 1973, which says -

Every unaided recognized private school shall submit returns and documents in accordance with Appendix II

Appendix II further lays down that-

- i.) Returns to be submitted by Un-aided Recognized Schools -
- ii) Budget estimates of receipts and payments of ensuing year.
- iii) Final accounts i.e. receipts and payment account, income and expenditure and balance sheet of the preceding year, (Duly audited by the Chartered Accountant).
- iv) Enrollment of the students as on 30th April.
- v) Pattern of concessions / scholarship etc.
- vi) Staff statement.
- vii) Schedule of fees / fines / funds etc.
- viii) Statement showing the dates of disbursement of salaries.

(2) Every return or documents referred to in sub-rule (1), shall be submitted to the Director by the 31st day of July of each year.

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(3) *The account and other records maintained by an unaided private school shall be subject to examination by the auditors and inspecting officers authorized by the Director in this behalf and also by officers authorized by the Comptroller and Auditor General of India.*

It is worth observing that the aforesaid provision of Rule 180 of DSEAR, 1973 does not make it mandatory for the department to scrutinized each and every return filed by the Unaided Pvt. Schools and nor does it mandate the department physically verify the veracity of the information submitted in the return including the enrollment figures.

3. And Whereas it is pertinent to mention here that about 1284 private recognized schools are functioning in Delhi and it is not feasible for the department to carry out inspection of all the schools every year and scrutinize the financial records thereof with the available machinery. However, inspection of some schools are carried out randomly each year and financial records are also scrutinized during such inspections.

4. And Whereas on specific complaint of financial irregularities and improper functioning of the schools, special inspections are conducted by the Directorate of Education under rule 24(2) of DSEAR, 1973 and appropriate steps are taken. If any financial irregularities are found, schools have been de-recognized and even bank accounts have been sealed in some cases .

5. And Whereas the department, from time to time, refers the case of grave financial irregularities of schools to Comptroller of Auditor General, GOI for audit of financial records .

6. And Whereas Justice Anil Dev Committee has been set up by the Hon'ble Court of Delhi to look into the issue of the fees charged by Recognized Unaided Public Schools after implementation of 6th Central Pay Commission & the said committee is also examining the related issues.

7. And whereas the team under the chairmanship of DDE (North West B), EO concerned, Accounts officer of the District alongwith one Principal of the District was constituted for the inspection of the schools vide letter dated 13/06/2014 to enquire and inspect the relevant records of Unaided Recognized Private School which has been mentioned by the petitioner in his petition/representation that these schools are concealing real enrollment in their schools and thus showing less revenue earned which allows them to raise the fees in the ensuing session.

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8. And Whereas to curb the commercialization in education, to check the malpractices and further to streamline the education at Pre-Primary level and also in pursuance of the direction of the Hon'ble High Court of Delhi in CWP No. 3723/97, Director of Education issued a notification dated 23.03.2009 in exercise of powers so conferred under Sub-Section(1) of Section 3 of the Delhi School Education Act 1973 read with rule 43 of Delhi School Education Rules, 1973 directing, therein, that all Pre-Primary Schools being run by the registered societies/trusts in Delhi as branches of recognized schools by the appropriate authority in or outside the school premises shall be deemed as one institution for all purposes.

9. And Whereas in terms of provisions of Section 17(3) of Delhi School Education Act, 1973 read with rule 170 and Rule 180, of Delhi School Education Rules, 1973, all Unaided Recognized Private Schools are under an obligation to provide accurate information about enrollments in all classes including Pre-School and Pre-Primary classes and correct revenue receipts in their annual returns. This has further endorsed vide order dated 23/03/1999.

10. And Whereas petitioner has alleged that the data of enrollment in pre school of different schools do not tally with the actual enrollment in their schools in class I. It has further been alleged that private schools are running nursery/play schools separately and the revenue earned through these classes is not shown in the school records.

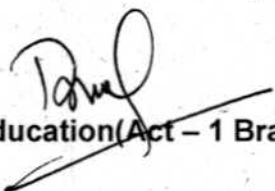
11. And Whereas inspection of some Private Unaided Schools which has been mentioned by the petitioner in his petition/representation, has been done by a committee of the officers constituted for the purpose.. This inspecting team has concluded that the enrollment of the schools as submitted in annual returns was verified from the schools records. Minor discrepancies are found in enrollment of class 1 to 12. It has been reported that some schools did not give enrollment of pre-school and pre - primary classes in annual return 2010-2012. The inspection report of one school also shows that it has two separate nursery schools and their enrollment/revenue is not reflected in the annual returns.

12. And Whereas concealing the enrollment/revenue is a violation of section 17 & 18 of Delhi School Education Act and Rules, 1973, read with rule 170 and Rule 180, of Delhi School Education Rules, 1973 and further violates order dated 23/03/1999 passed by the DOE.

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Therefore, In the facts and circumstances, all the unaided private recognized schools are hereby directed to submit correct enrollments of all the classes from pre school to Class 12 and likewise the revenues earned therefrom too, failing which further appropriate action as per Delhi School Education Act and Rules, 1973 will be initiated against those private schools where discrepancies have been found.

This issues with the prior approval of the competent authority.


Addl. Director of Education(Act - 1 Branch)

To


HOS/Manager,
Unaided private recognized schools
GNCT of Delhi

No. DE-15/Act-I/2013/29304-29307 Dated: 09/03/2015

Copy for inf. and n/a to

1. All the DDEs,
2. All Eos & DEOs
3. Accounts Officers of all Distt.

4. OS (IT)


P. Lata Sara.
Asstt. Director of Education
(ACT I)