

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

No.F.DE-15/Act-1/WPC-4109/13/6750

Dated: 19/02/16

ORDER

The Hon'ble High Court vide judgement dated 19/01/2016 in the Writ Petition bearing No. 4109/2013 titled Justice for All Vs Govt. of NCT of Delhi and Ors, has directed as under :-

"...the respondent No.1/DoE shall ensure the compliance of term, if any, in the letter of allotment regarding the increase of the fees by all the recognized unaided schools which are allotted land by DDA. The respondent No. 2/DDA shall also take appropriate steps in accordance with law in case of violation of such stipulation in the letter of allotment by the unaided schools."

The Hon'ble High Court while passing the aforesaid judgement 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 judgement dated 27/04/2004 passed in Civil Appeal No. 2699 of 2001 titled Modern School Vs Union of India & Ors wherein the Hon'ble Supreme Court at para 27 & 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.....

....If in a given case, the Director finds non compliance of above terms, the Director shall take appropriate steps in this regard."

In this regard, it is worthwhile to mention here that Delhi Development Authority and other agencies like Land and Development Office under the Ministry of Urban Development Department, GOI have allotted land to various societies to establish and run schools in the territory of Delhi on predetermined concessional rates. While allotting

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lands at such concessional rates, the land owning agencies, in the terms of allotment of lands, have laid down conditions that such schools shall not increase the rates of tuition fee without the prior sanction of Directorate of Education, Delhi Administration. It is observed that the schools are not following the aforesaid terms and conditions of allotment of land and have been increasing the fees without seeking the prior approval of the Director (Education).

Therefore, in pursuance to the directions delivered in the judgement as referred above, all the private unaided recognized schools running on the land allotted by DDA/other Govt. agencies on concessional rates or otherwise shall not increase the rates of tuition fee without the prior sanction of Directorate of Education. Accordingly, Point no. 6 of this Directorate's circular dated 16.04.2010 is modified to the extent that the Managing Committee of such schools is not competent to increase the fee to be charged from the students, provided that the allotment letter of the land of such schools/society must contain the condition of seeking prior approval of Director (Education) before increasing the rates of tuition fees.

The detailed guidelines in this regard shall be issued soon.

This issues with the prior approval of the Competent Authority.

P. Lata Tara

(P.LATA TARA)
Deputy Director of Education, (Act-I)

HOS/MANAGER

Private Unaided Recognized Schools

(Running on the land allotted by Delhi Development Authority/Land and Development Office & Ors.)

No.F.DE-15/Act-1/WPC-4109/13/ 6750

Dated: 19/02/16

Copy to:-

1. Pr. Secretary to Hon'ble Chief Minister , GNCT of Delhi
2. Secretary to Hon'ble Dy. Chief Minister/ MoE , GNCT of Delhi
3. P.S. to Secretary (Education), Directorate of Education, GNCT of Delhi.
4. P.S. to Director (Education), Directorate of Education, GNCT of Delhi.

5. All District DDEs to ensure that no such school falling under their jurisdiction shall increase rates of tuition fee without prior sanction of Director (Education) and in case of any violation, the matter may be referred to Act-I Branch, Directorate of Education for necessary action.
6. All DE's Nominees in respect of Private Unaided Recognized Schools through DDEs concerned.
7. O.S. (IT) with the direction to upload the same on the Department's Website.
8. Guard File.



(P.LATA TARA)
Deputy Director of Education, (Act-I)

**GOVT. OF NCT OF DELHI
DIRECTORATE OF EDUCATION (ACT BRANCH)
OLD SECRETARIAT, DELHI - 110054.**

No. 1978

Dated: 16/4/2010

CIRCULAR

Subject:- Guidelines regarding fee hike in Recognized Unaided Schools.

Every recognized private school in Delhi has to abide by sec 17 (3) of DSEAR 73 which provides that--

"The manager of every recognized school shall, before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session, and except with prior approval of the Director, no such school shall charge, during that academic session, any fee in excess of the fee specified by its manager in the said statement"

In compliance of this section many private schools have submitted their proposed fee structure for the ensuing session 2010-11. Simultaneously a number of complaints are being received regarding unreasonable and excessive fee hike by some schools.

The Hon'ble Apex Court in Civil Appeal No. 2699 of 2001 titled "Modern School V/s Union of India" held that -

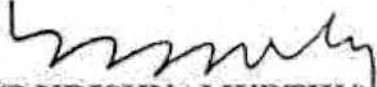
"the Director is authorized to regulate the fees and other charges to prevent commercialization of education. Under Section 17 (3), the school has to furnish a full statement of fee in advance before the commencement of the academic session. Reading Section 17(3) with Section 18(3) & (4) of the Act and the Rules quoted above, it is clear that the Director has the authority to regulate the fees under Section 17(3) of the Act".

Keeping in view the directions of Hon'ble Court, Directorate of Education has been issuing instructions to regulate fee hike from time to time; the latest order dated 11/02/09 was to regulate fee-hike, in order to meet the financial implications of VI Pay Commission.

In continuation to the previous directions, all recognized private schools are directed to abide by the following guidelines/directions, while considering fee structures from the academic year 2010-11 onwards, to prevent commercialization of education.

1. It is reiterated that annual fee-hike is not mandatory.
2. All schools must, first of all, explore and exhaust the possibility of utilizing the existing funds/ reserves to meet any shortfall in payment of salary and allowances, as a consequence of increase in the salary and allowances of the employees.
3. The school should not consider the increase in fee to be the only source of augmenting their revenue. They should also venture upon other permissible measures for increasing revenue receipts.

4. Interest on deposits made as a condition precedent to the recognition of the school and pledged in favour of the Govt., should also be utilized.
5. A part of reserve fund which has not been utilized for years together may also be used to meet the short fall before proposing a fee hike.
6. If after exhausting the above – mentioned possibilities, a school still finds it necessary to hike the tuition-fee; it shall first take the major stake holders in the school system i.e. parents into confidence. Since parents have to bear the financial burden of a fee hike, it is imperative that the school presents its case of fee hike, with detailed financial statement to the committee of the duly elected Parents Teacher Association and obtain their concurrence to the proposed hike before the same is approved by the Managing Committee.
7. Instructions have been issued for constitution of Parent Teacher Association for Recognized Private Schools vide circular No. 1913 dated 12/04/2010 and these must be complied with.
8. The Tuition Fee shall be so determined as to cover the standard cost of establishment including provisions for DA, bonus, etc. and all terminal benefits, as also the expenditure of revenue nature concerning curricular activities. No fees shall be charged in excess of the amount so determined.
9. School shall not introduce any new head of account or collect any fee thereof other than those permitted. Fee/funds collected from the parents/students shall be utilized strictly in accordance with rules 176 and 177 of the Delhi School Education Rules, 1973.
10. If any school has collected fee in excess of that determined as per procedure prescribed here-above, the school shall refund/adjust the same against subsequent installments of fee payable by students.
11. The DE nominees on the Managing Committee will ensure compliance of the instructions issued herein, by the Managing Committee of each school, while approving the fee structure.


(P.KRISHNAMURTHY)
DIRECTOR OF EDUCATION

No. 1978

Dated: 16/04/2010

Copy forwarded for information and appropriate action to:-

1. P.S. to the Hon'ble Chief Minister, Govt. of Delhi.
2. P.S. to the Hon'ble Minister of Education, Govt. of Delhi.
3. P.S. to the Principal Secretary, Directorate of Education.
4. Director (Education)-MCD, Nigam Bhawan, Kashmiri Gate, Delhi,