

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

F. NO. PS/DE/2020/ 3224-3231

Dated: 28/08/2020

**ORDER**

Whereas, keeping in view of prevailing COVID-2019 conditions as well as closure of the schools thereof, certain directions were passed by this Directorate vide order F.No. PS/DE/2020/55 dated 18/04/2020 issued in supersession of order dated 17/04/2020 wherein, all the Private Un-aided Recognized Schools were directed :-

- (i) No fee, except Tuition fees will be charged from the parents during the lockdown period.
- (ii) Annual and Development Charges can be charged from the parents, on pro rata basis, only on monthly basis **after completion of lockdown period.**
- (iii) No earmarked levies such as transportation charges etc. will be charged from the parents during the period the schools remains closed.
- (iv) In no case, the schools shall demand and collect the above mentioned fees from the parents/students on quarterly basis i.e. fees will be collected on monthly basis only.
- (v) Not to increase any fee in the academic session 2020-21 till further directions irrespective of the fact whether or not the school is running on the private land or the land allotted by DDA/Other Govt. Land Owning Agencies.
- (vi) The schools running on the land allotted by the DDA/Other Land Owning Agencies with the condition to seek approval of Director (Education) before any fee increase, shall collect the above mentioned fees on the basis of last fee structure approved by Director (Education) or as per fee statement filed by them under 17 (3) of DSEAR, 1973 during academic session 2015-16.
- (vii) Shall ensure to provide the access of Online Education/material/classes to all students, without any discrimination,



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by providing them ID and Password immediately to get them online education facility.

- (viii) Heads of the schools shall, in no case, deny ID & Password to those students/parents for getting online access of educational facilities/classes/materials etc to those students who are unable to pay the school fee due to financial crisis arising out of closure of business activities in the ongoing lockdown condition.
- (ix) Managing Committee of the schools/Heads of the schools shall not put extra financial burden by creating any new head of fee.
- (x) Shall neither stop payment of monthly salary nor reduce the existing total emolument to the teaching and non-teaching staff of their schools in the name of non-availability of funds and arrange the funds in case of any shortfalls from the Society/Trust running the school.

Whereas, all the Private schools are required to comply all the above directions in letter & spirit.

Whereas, the order dated 17/04/2020, which was almost on similar lines to order dated 18/04/2020 issued by Directorate of Education, GNCTD, also upheld by the **Hon'ble Double Bench of the High Court of Delhi in WPC No. 2993/2020 titled Naresh Kumar Vs. Directorate of Education & Anr.** vide order dated 24/04/2020 with the following observations: -

*"The impugned order dated 17.04.2020 passed by the DoE, GNCTD, therefore, in our view, strikes the correct balance between the legitimate concerns of the institutions, and of parents/students, even while safeguarding the interest of parents who may find themselves in impecunious circumstances, owing to the lockdown presently in place, or due to closure of their businesses/establishments".*

Whereas, now number of complaints are being received, not only from parents of the students but also from other corners, alleging that many Private Un-aided Recognized Schools of Delhi have started charging the fees under many other heads other than the tuition fee like Annual Charge, Development charge etc. in contravention to the directions issued by Directorate of Education vide order dated 17/04/2020 & subsequently dated 18/04/2020.



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Whereas, such act of the schools is not only in the clear violation of the above said directions issued vide order dated: 17/04/2020 & subsequently dated 18/04/2020 but also an inhumane act on their part keeping in view the prevailing COVID-2019 pandemic conditions & long closure of schools. The attention in this regard is invited that these schools are run by trust and charitable societies, hence, as per their Memorandum of Article, are supposed always to keep in mind the charity and providing of education to the students without indulging in profiteering.

Whereas, it is also relevant to mention here that some representations have also been received from some Private Un-aided Recognized Schools and their associations wherein, it has been claimed that since the period of lockdown is over, now they can charge the fees under all heads i.e. tuition fees, annual charge, development fee & some earmarked levies also. This position as claimed by Private Un-aided Recognized Schools is not correct as unlocking stage is still going on in phase manner hence, complete lockdown is yet to be over and schools are yet to be open for physical class room learning.

Whereas, attention of the Private schools as well as of their associations are also invited towards recent proceedings held before the **Hon'ble High Court in WPC No. 3140/2020 titled Parents Associations K.R. Mangalam, GK-2 Vs. GNCTD & Ors. on 25-08-2020** wherein, the Hon'ble High Court while dealing the another matter on charging of the fees, referred the abovementioned order dated 18/04/2020 issued by Directorate of Education, GNCTD with reference to charging of tuition fee only during lockdown period and observed as under:

*"Learned counsel for respondent No. 3 states that the lockdown is over for the school and hence schools can levy annual and development charges.*

*Learned counsel appearing for Govt. of NCT of Delhi, on instructions, states that the lockdown period as stated in the circular dated 18.04.2020 continues to apply in as much as none of the school have physically opened. Hence, it is stated that the school in question cannot charge annual and development charges till the completion of the lockdown period as stated in the said circular.*

*In my opinion, prima facie, it appears that the annual and development charges cannot be charged from the parents during the pendency of the present lockdown".*



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Whereas, thus the act of charging fees other than tuition fees by some Private Un-aided Recognized Schools and their claim regarding over of lockdown period are not acceptable, hence, no ambiguity if any, in this regard, must exist as the order dated: 18/04/2020 is still in force.

Now, therefore, in exercise of the powers conferred under Section 24(3) of DSEA, 1973 and read with Rule 43 of DSEAR, 1973 and other enabling provisions of the above Acts and Rules or any other, all HOS/Managers of the Private Un-aided Recognized Schools of Delhi are hereby directed as under:-

1. To comply with the directions issued vide order dated 18/04/2020 in its totality.
2. If any Private Un-aided Recognized School has charged fees/amount other than the tuition fees in contravention of order dated 18/04/2020, the same shall be refunded or adjusted immediately.
3. It is again reiterated that no amount other than the tuition fee or any increased amount in tuition fee in contravention of order dated 18/04/2020, shall be charged by any Private Un-aided Recognized School.
4. The schools can collect the Tuition fee in accordance to order dated 18-04-2020 as well as the order of **Hon'ble High Court dated 24-04-2020 in WPC-2993/2020 titled Naresh Kumar Vs. Directorate of Education & Anr.** which is reiterated as under:-

*"Before parting with this judgement, we may observe that a similar challenge had come up, before the learned Single Judge of this Court, in WP (C) 2977/2020 (Rajat Vats v. GNCTD), and was dealt with, in paras 7 and 8 of the judgement of the learned Single Judge, thus: "7. Insofar as the tuition fee is concerned, the charging of the same would be justified in view of the fact that almost all the schools are conducting online classes and teachers are discharging their functions by imparting course work over online platforms, checking project work online, correcting papers wherein students have already given examinations, preparing questions and lessons taught and supervising students to complete the work given etc. There is also a burden on the schools to pay their staff during these months.*

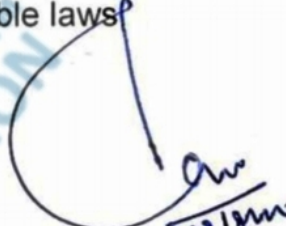


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*The authorities having taken cognisance of the issue and further the matter being one in the policy domain, this Court is not inclined to interfere."*

In view of above, all the HOS/Managers of Private Un-aided Recognized Schools to ensure the compliance of above said directions strictly in letter & spirit failing which action shall be taken against the defaulter schools under Section 24 of Delhi School Education Act & Rules, 1973 or other applicable laws


  
(UDIT PRAKASH RAI)  
DIRECTOR (EDUCATION)

To

All HOS/Managers  
Private Un-aided Recognized Schools, Delhi

Copy to:

1. PS to Hon'ble Dy. CM/MoE, GNCT of Delhi.
2. PS to Chief Secretary/Chairperson, State Executive Committee, GNCT of Delhi.
3. PS to Secretary (Education), GNCTD.
4. PS to Director (Education), GNCTD.
5. All Regional Directors of Education, GNCTD.
6. All District Dy. Directors of Education, GNCTD with the directions to ensure the compliance of the above said directions by all the Private Schools and take immediate action against the defaulter schools.
7. All Dy. Directors of Education (Zone), GNCTD with the directions to ensure the compliance of the above said directions by all the Private Schools and take immediate action against the defaulter schools.

  
28/09/2020.  
(YOGESH PAL SINGH)  
Asstt. Director of Education (PSB)