

OFFICE OF THE EDUCATION OFFICER ZONE VI (BOYS)
ASAF ALI ROAD, NEW DELHI

No. VI-B/74/237

Dated

To,

The Manager,
SHANTI MEMORIAL SR. SEC. SCHOOL,
PARK ROAD, DELHI-6

SUBJECT: EXTENSION OF RECOGNITION BEYOND 1.8.1974

Sir,

With reference to your letter dated 31.8.1974, I am to inform you that the D.E. has been pleased to extend the recognition of your School as a very special case from 1.8.74 to 30.4.75 on the following conditions :-

- 1- Reserve Fund may be deposited in the Joint Name of D.D.E. and the Manager of the School.
- 2- The entire out-standing claims of 5% arrears of pay of the School employees may be cleared since the introduction of direct payment.
- 3- The loan taken from the pupils' fund may be refunded in full.
- 4- Follow up action on the Audit Report and the disciplinary action against individuals found guilty of mis-appropriation and embezzlement of funds may be taken at the earliest.
- 5- Adequate furniture may be provided in every Class Room.

The Department has taken a very serious note of your continuous failure to fulfil conditions of recognition, specially those relating to suitable disciplinary action against employees found guilty of embezzlement. The Management has been trying to avoid necessary action in this connection for the last 5 years.

You are, therefore, informed well in advance that further extension of recognition is not likely to be considered unless the Management gives satisfactory evidence of its serious intention to fulfil the conditions of recognition.

Yours faithfully,

(B.K. Aggarwal)
Education Officer

No. ED-VI-B/74/3979 to 4022 dated 31/8/74
Copy forwarded to the following for information:

- 1- D.E.
- 2- All the D.D.E.
- 3- All the E.O.
- 4- J.D.E. Sec. of Education.
- 5- A.O. E.O. D.M.O. S.O. E.M.

Education Officer

Certified
11/03/74

SHANTI MEMORIAL SR. SEC. SCHOOL
PARK ROAD, DELHI-6

OFFICE OF THE EDUCATION OFFICER,
ZONE VI BOYS, PATAJDI HOUSE,
MARIYA GANJ, DELHI.

No. 2061

Dated 12-5-78

The Manager,
Rafiq Memorial Hr. Sec. School,
Baba Hinda Rao, Delhi.

Subject: Extension of recognition of the school from
class I to XII w.e.f. 1.5.78 to 30.4.79.

Sir,

With reference to your letter no. 880 dated 7.3.78 regarding the subject cited above, I am to convey the order of the Director of Education, Delhi extending the period of recognition of your school w.e.f. 1.5.78 to 30.4.79 subject to fulfilment of conditions mentioned below.

1. Sanitary conditions of the school should be improved.
2. School building be immediately repaired.
3. Provisions of B.S.E. Act/Rules 1973 and the instructions issued by the Directorate of Education from time to time should be strictly adhered to.
4. Health and sanitary certificate be produced by 31.8.78.
5. The Management is advised to apply for extension in recognition in future in form I within the stipulated date.
6. Roof of the school Hall may be constructed.

Yours faithfully,

(B. S. CHAUHAN)
EDUCATION OFFICER.

No. 2062+35

Copy forwarding to the following for information & necessary action :-

1. P.A. to D.E./DDE/J.D.E.(F).
2. All D.D.Fs. and all E.Os.
3. A.D.F. (Personnel/Planning).
4. A.O. (S. & H.).
5. B.D.F. (General).

(B. S. CHAUHAN)
EDUCATION OFFICER.

Copy
26/5/78
Principal
11/03/79
PRINCIPAL
SHAFI MEMORIAL SR. SEC. SCHOOL
BABA HINDA RAO, DELHI

No. F. 32(2)(21)Gen/79

Dated:

To,

All the District D. D.Cs.
All the Managers of Recognised Pvt.
Aided and Unaided Schools of Union Territory
of Delhi.

Sir/Madam,

It has been the practice to grant recognition to school for limited period and such recognition used to lapse on the expiry of that period unless such recognition was renewed before the expiry of that period. This practice was based on Rule 54 (2) of the Delhi School Education Rules, 1973. In Civil Writ No. 333 of 1977 in the case of Digambar Jain Society, the Hon'ble High Court of Delhi delivered a judgement on 30.8.1979 holding Rule 54 (2) ultra vires of the Delhi Education Act, 1975, the operational portion of the said judgement reads here as under:-

Thus on a very careful consideration of all the various provisions of that Act and Rules, I am of the opinion that Rule 54 (2) is ultra vires of the Act, and that recognition originally granted to the School was an absolute recognition at any rate the recognition granted after 31.12.73 must be treated as the absolute grant of recognition within the scope of Rule 54. It must be deemed that the authority was satisfied that after some time the school will be able to fulfil the requirements and condition for grant of recognition and because of this satisfaction a provisional exemption was given to it and the school was recognised. This being so the recognition can not be taken away from the school except in the manner contemplated by Section 4 sub-sec. (4) or (6).

The prescribed Authority (Administrator of Delhi - Lt. Governor) announced its judgement on 9.11.79 in the case of Appeal No. 143/79-C.A. in the case of Behar Education Trust Vs. State as here under:-

In view of the Law laid down by the Delhi High Court in the case of Digambar Jain Society, it has been held, and I hold accordingly that the appellant-school continued to be recognised school. In case the Director of Education is of the view that the school does not satisfy anyone of the condition specified under Sub-section (1) of Section 4 he will have to fix follow the procedure laid down under Sub-section (6) of section read with rule 56.

In view of the above cited High Court Judgement and above quoted pronouncement of the prescribed Authority (Lt. Governor), recognition of no school shall lapse as specified under Rule (54)2. Recognition once granted shall be absolute.

Hence no school will be deemed recognised for a limited period, no matter whether it was recognised prior to the commencement of the Act/Rules, 1973 or has been granted recognition thereafter. Once forth all recognised schools shall be deemed to be permanently recognised and recognition could be withdrawn only through the procedure laid down under sub sec. (6) of Section 4 P.T.O.

Certified
11/05/79
PRINCIPAL
SHAFIQ MEMORIAL SR SEC. SCHOOL
BARA HINDU RAO, DELHI

4 of the Act read with Rule 56 of Delhi School Education Rules, 1973.

The School Managements are requested to ensure that statutory requirements governing recognition as laid down under Section 4 (1) (a) to (f) of the Delhi School Education Act, 1973 should be duly complied with and conditions prescribed under Rule 50 of the Delhi School Education Rules, 1973 should be duly fulfilled as well as facilities speed fixed under Rule 51 under the said Rule should be duly provided to the school. Condition already imposed governing recognitions should be fulfilled and report there of be submit to the under signed through Zonal Education officer. The managements will also continue to emply with other relevant requirements of the Delhi School Education and Rules, 1973 as applicable to their schools.

The District Deputy Directors and Zonal Education officers are required to conduct through inspection from time to time on the implementation/fulfilment of the above mentioned statuary requirements/ conditions of recognition and keep a record there or in the recognition files. Deficiencies, if any, be appointed out to the managements for removing the same with in specified period under intimation to the undersigned. In case, any managements fails to fulfil the statuary requirements mentioned above action should be taken for with drawal of recognition in accordance with the procedure laid down under sub-section (6) of Sec, 4 of the Act read with Rule 56 of Delhi School Education Rules, 1973.

Kindly acknowledge receipt of the circular.

Yours faithfully,

s/d
(DALESEWAR RAI)
DIRECTORATE OF EDUCATION:
DELHI
DATED:

No. F 32 (2) (21)/Gen/79/

Copy forwarded for in formation and necessary action to:-

- 1- All Education Officers an D.E.Os.
- 2- All the Branch Officers of the Directorate of Education, Delhi.
- 3- Principals of all Recognised private Aided and unaided schools.

(V.P. SINGH)
Asstt: DIRECTOR OF EDUCATION (GENERAL)

Contd. by *Shi* *11/03/79*
PRINCIPAL
SHAFIQ MEMORIAL SR. SEC. SCHOOL
BARA HINDU RAO, DELHI-6