



Office of the Chairman
Committee for Fixation of Fee Structure of Private
Educational Institutions of J&K State
Srinagar.

In the matter of:- Complaints against Delhi Public School, Budgam.

SHOW CAUSE NOTICE

Whereas, several complaints have been filed against DPS, Budgam by Parents' Association DPS, Budgam;

Whereas, in one of the complaint dated 14.12.2015 it is alleged that the School remained closed for winter vacation from 11th December' 2015 which means that there were only 10 days of working in the month of December and that this does not warrant full month's bus fare.

Whereas, in another complaint dated 17.02.2016 it is alleged that the School in violation of the directions of the Hon'ble High Court, enhanced its fee structure.

Whereas, in another complaint dated 12.03.2016, it is alleged that DPS, Budgam has by bye-passing the Government orders, enhanced the fee structure. It is also alleged that illegal and unilateral fee hike is not acceptable to parents.

Whereas, notices were issued to the Principal and Management of the School on these complaints. The School has filed its reply. The School has also submitted its case on the prescribed proforma for enhancement of fee.

Whereas, the prayer of the School for enhancement of its fee structure was considered by the Committee and vide its Order dated 29.10.2015, the Committee disallowed the prayer of the School for enhancement of the fee. The Committee in this behalf observe as under:-

"In view of the huge profit earned by the School for the last three years, the Committee does not find any justification at all for any enhancement in the fee structure. The School is financially sound and can meet its expenditure without putting any further burden on the students. While considering the case of the School, the Committee further found that the present fee structure of the School was exorbitant and needs a proper regulation. The Committee in this behalf issued a notice to the School for its objections, if any, within 21 days".

Whereas, on 16.11.2015 the School has submitted an application for review of the Order of the Committee dated 29.10.2015.

Whereas, to justify the prayer of the School for enhancement of the fee structure, a team of the officers of the Committee headed by Mr. Showkat Ahmad, Chartered Accountant (Member, FFC) was deputed to the School for inspection of the School record. The team visited the School on 15.12.2015 but the School Management could not produce the record.

Whereas, the Principal of the School sought some time for submitting the relevant record and on 16.03.2016 and 29.03.2016 the Principal of the School again sought time for production of record.

Whereas, the School has issued a Circular by means of which the School has raised its fee structure w.e.f 01.03.2016 as under:-

Tuition Fee	
Nursery to 5 th	Rs.2200/month
6 th to 10 th	Rs.2300/month
11 th & 12 th	Rs.2800/month
Transport Fee	
Upto 5 Km	Rs.1200/month
Above 5 Km	Rs.1300/month"

Whereas, the School has in violation of the directions of the Hon'ble High Court, enhanced its fee structure despite the fact that the Committee has in its Order dated 29.10.2015 rejected the prayer of the School.

Whereas, in terms of Hon'ble High Court Order dated 20.05.2015 passed in PIL No.12/2014 & 13 of 2014 titled Parents Body Vs. State of J&K & Others, no Private Educational Institution can enhance its fee structure without the permission of this Committee. Till new fee structure is fixed by this Committee, the educational institutions have to collect all type of fees as in August'2014.

Whereas, in terms of Government Order dated 08.07.2015, if any school violates this direction, action for de-recognition can be initiated against it.

Whereas, the case of the School for enhancement of fee has already been rejected by the Committee in its Order dated 29.10.2015 and it is not permissible for the School to enhance the fee structure suo-motto. The action of the School Authorities clearly amounts to the disobedience of the Hon'ble High Court Order dated 20.05.2015, the Order of this Committee dated 29.10.2015 and violation of Government order dated 08.07.2015. The act also amounts to the illegal profiteering by an educational institution, which has specifically been prohibited by the Hon'ble Supreme Court of India;

Whereas, for this violation the Principal and the Management of the School has made itself liable for an action under law and the rules;

Now, therefore, through this notice, the School Management and the Principal are directed to show cause within one week as to why the matter may not

be brought to the notice of the Hon'ble High Court with a prayer to initiate action against the School Management and the Principal. Since, the Principal is In-charge of the School, he shall explain why he allowed such increase in fee in disobedience to the Orders of the Hon'ble High Court and this Committee. He shall also explain why he has charged enhanced fee from the students when the prayer of the School in this behalf has specifically been disallowed by the Committee;

Since, it is a case of violation of the Hon'ble High Court directions and the violation of the orders issued by the Government and the Committee, the School Management shall also show cause as to why the matter may not be brought to the notice of Central Board of Secondary Education, Delhi for appropriate action against the School;

The School Management shall also show cause why a case for de-recognition of the School may not be started against it;

The School Management and the Principal is also directed to immediately reduce its fee structure and charge from the students only such fee as was applicable in August' 2014 within one week failing which action under rules will be initiated against the School Management and the Principal.

Since, there is grave violation of the directions of the Hon'ble High Court and the Government Order, Director School Education, Kashmir may take notice of the matter and immediately depute a team of Senior Officers of the Directorate to ensure that the School complies with the directions of the Hon'ble High Court and Chief Education Officer, Budgam shall also immediately inspect the School and ensure strict compliance of this Order by the School and submit its report to the Committee;

Students/ their parents (or guardians) of the School are informed that they shall not pay any enhanced fee to the School authorities till any order is made on the case of the School for permission to enhance its fee structure. In case of any complaint they may approach this Committee for appropriate action in the matter.

The School Management is directed to file its reply and compliance report by 06.04.2016.


(Nazir-ul-Hussain Shah) 31/3/2016

In-charge Administrative officer
Committee for Fixation of Fee Structure
Of Private Educational Institutions,
Srinagar.

No:- FFC/2016/505-09

Dated:- 31-03-2016

Copy to the:-

1. Director, School Education, Kashmir, for information & compliance;

2. Jt. Director, Information, Kashmir with the request to publish the same in leading dailies of Kashmir Division preferably Greater Kashmir & Others.
3. CEO, Budgam for information & compliance;
4. Principal, Delhi Public School, Budgam for compliance;
- ✓ 5. Office Copy.