

**Office of the Chairperson
Committee for Fixation & Regulation of Fee of Private
Schools, J&K (FFRC)**

Order No: 525-FFRC (FF) of 2021
Dated: 10 -09-2021

**Sub: Fixation and Regulation of fee of Kashani Memorial Public (K.M.P.)
School, Burzahama, Hazratbal, Srinagar.**

**Kashani Memorial Public (K.M.P.) School, Burzahama, Hazratbal,
Srinagar** submitted file for fixation and regulation of fee structure of the School,
which has been registered in FFRC office under No. **FFRC/FF/2021/Sgr/244**.

When this file was first considered on 19th of May' 2021, the School
Management was asked to make available supporting material/documents in respect of
following:

- I. The School Management body.
- II. Owner of the School, Trust Deed.
- III. IT Return of the School Owner.

On 15th of June' 2021, following order was passed on School file:

*"The Principal/ School Management have submitted copies of Order
No.170-DSEK of 2021 dated 31.03.2021, Agreement of Association of
Persons executed on 27.03.2021 and ITR Acknowledgement for Assessment
Year 2020-21.*

*'The Agreement of Association of Persons' reveal that parties have
agreed to run the Educational Institution 'Kashani Memorial Public
School' at Burzahama, Hazratbal, Srinagar. Para - 2, 3, 7 & 9 of the
Agreement is taken note of:*

*'Para-2 - The business activities may be extended to other transaction with
mutual consent of all parties.*

*Para-3 - The financial year of firm shall be from 1st April to 31st March
every year.*

*Para-7 - That all the parties have authority to look after and manage
business of AOP fruitfully in the interest of AOP*

Para-9 – That at the end of year, profit or loss shall be distributed among members in ratio of capital standing to the credit in the individual members capital account of AOP as on last date of the year.’

Vide Order No.170-DSEK of 2021 dated 31.03.2021 a Managing Committee of School has been approved. The Chairman and Secretary are by profession businessmen.

Hon’ble the Supreme Court has ruled that Educational Institution is not business. Setting up and running of Educational Institution is a non-profitable occupation. Education is declared to be charity.

Unfortunately, the Directorate of School Education Kashmir has allowed businessmen to set-up a School as a business entity. The AOP have set-up the Educational Institution as business entity, which is more than clear by reading the agreement of AOP.

The Director School Education, shall have to have a re-look on the matter, and pass appropriate orders after affording opportunity of hearing to all concerned.

The follow-up action taken be communicated within 10 days to FFRC.

This order be mailed to Principal of School as well.”

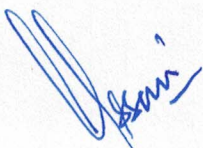
On 27th of August’ 2021, following order was passed on School file:

“Order dated 15.06.2021 has not evoked any response from DSEK, till date.

The Partners of the School be mailed copy of Order dated 15.06.2021 and asked to reframe the School Constitution and make it in tune with law governing Private Schools. Till same is done, no hike shall be made in any type of Fee by School Management.

The funds generated in the shape of fee paid by students shall constitute School Fund. No amount thereof shall be apportioned/appropriated by Partners amongst themselves. All funds shall be spent for welfare of students and development of School, besides paying salary to staff regularly.

The Partners to submit compliance report within two weeks. Education of students shall continue unhampered.”



The Principal vide his communication No. KMP/Sch.Bur-1499 dated 09.09.2021, has submitted explanation, which is taken note of:

“Sir,

With due respect, As I the Principal of the KMP school Burzahama has been asked by your good self to reframe the constitution of school and make it in tune with law governing private schools. As such the undersigned has reframed the school constitution in tune with law governing private schools with the consent of Chairman of the school. It has been purely mentioned in the bylaws that the school is meant for imparting education among the students and there should not be any other purpose as far as the law is concerned. Moreover it has been discussed that the trust deed among the parties shall be changed as some of the points mentioned in the deed are deviating the agenda as far as the constitution of private schools are concerned.

The undersigned assures your good self that the funds received from the students must be utilized among the salary of the staff members and for the betterment of school only.

Hope your good self will have a sympathetic approach towards the above mentioned compliance report and order regarding the approval of fee for the session/ sessions will be issued at its earliest.”

The School record reveals that two brothers namely Mr. Ghulam Jeelani Rather and Mr. Mohammad Younis Rather, had vide document executed on 27th of March' 2021 agreed to form 'Association of Persons' (AOP) w.e.f 1st March' 2021 for running the subject matter educational institution.

In view of the communication dated 09.09.2021, it has been informed by the Principal that he has reframed the School Constitution with the consent of the Chairman of the School and it has been mentioned in the by-laws that School is meant for imparting education. It is also conveyed that modifications are being made in the document on the basis of which the 'Association of Persons' (AOP) is running the School. The assurance has been given by the Principal that funds received from the students will be utilized for the salary of the staff and for betterment of the School only.



The record also shows that the **fee structure** of the School is being regulated by the Committee for the first time by this order.

Record further shows that the two persons have constituted 'Association of Persons' (AOP) for running of the School.

Record also shows that a rent deed has been executed on 14th day of June' 2018, in which Mr. Ghulam Jeelani Rather is shown as landlord of the buildings in which the School is housed and Mr. Mohammad Younis Rather, his brother, is Principal of the School. The monthly rent has been fixed as Rs.80,000/-.

The Audit Report ended 31.03.2020, amongst others shows an expenditure on School Rent to the tune of Rs.12.00 lakhs.

Record also shows that Mr. Mohammad Younis Rather, in the capacity of Principal is also drawing substantial amount as a salary from the School Funds.

Record further shows that in terms of Ref. No.1423 KMP/Sch.Bur dated 2nd April' 2021, fee structure for academic session 2019-20 has been fixed as per the order of the Chairman of the School dated 16.11.2020. Though the order has been issued on 16.11.2020, but document shows that this fee structure had to come into force w.e.f. November' 2019, which means that after the completion of the academic session, fee structure has been fixed. Similarly, one more document Ref. No.1364 KMP/Sch.Bur dated 20.10.2020, shows that fee structure for academic session 2020-21 has been fixed under the orders of the Chairman of the School dated 11.10.2020.

What appears from the above stated facts is that fee structure for academic session 2019-20 has been fixed by the Chairman of the School much later than the fee structure fixed by him for academic session 2020-21.



It, thus, prima facie appears that records have been manipulated and an abortive attempt made to hoodwink all concerned about the fee structure of the School.

The record produced and the justification given by the School Management for fixation and regulation of fee structure of the School was examined. The same was considered in accordance with norms set out in various judgements and prescribed by statute. On due consideration of the entire conspectus of the school record and acknowledged parameters and settled norms for regulating the fee structure of the School, material produced by the School Management, income-expenses, income and expenditure of the School and after considering all other relevant factors which govern the subject, the Committee finds it just and proper to regulate the **fee structure** of the School as under:

Session: 2019-20 & 2020-21

Fee Head	Pre-Nursery	Nur	LKG	UKG	1 st	2 nd	3 rd
Tuition Fee	810	810	810	810	900	900	900
Annual Fee	1600	1600	1600	1600	1600	1600	1600
Fee Head	4 th	5 th	6 th	7 th	8 th	9 th	10 th
Tuition Fee	900	900	1100	1100	1100	1400	1400
Annual Fee	1600	1600	1800	1800	1800	2000	2000

Session: 2021-22

Fee Head	Pre-Nursery	Nur	LKG	UKG	1 st	2 nd	3 rd
Tuition Fee	830	830	830	830	920	920	920
Annual Fee	1650	1650	1650	1650	1650	1650	1650
Fee Head	4 th	5 th	6 th	7 th	8 th	9 th	10 th
Tuition Fee	920	920	1125	1125	1125	1425	1425
Annual Fee	1650	1650	1900	1900	1900	2100	2100

Session: 2022-23

Fee Head	Pre-Nursery	Nur	LKG	UKG	1 st	2 nd	3 rd
Tuition Fee	850	850	850	850	940	940	940
Annual Fee	1700	1700	1700	1700	1700	1700	1700
Fee Head	4 th	5 th	6 th	7 th	8 th	9 th	10 th
Tuition Fee	940	940	1150	1150	1150	1450	1450
Annual Fee	1700	1700	2000	2000	2000	2200	2200

Principal of the School shall submit documents evidencing the fact that School is not being run as a commercial unit but its affairs are being conducted in accordance with the law laid down by Hon'ble the Supreme Court and its functioning is regulated as Public Trust.

The aforesaid exercise has been undertaken and fee structure regulated in a manner that excluded the commercialization and profiteering of education completely.

Charging and collecting of Admission Fee is prohibited by statutes. The school management is prohibited from charging and collecting Admission Fee from the students.

The School Management shall maintain an account of School Funds (Fee etc.) in a Schedule Bank, which shall be operated by a person(s) authorized by School Management. Record about all the expenses/expenditures shall be maintained with receipts.

The School management is directed not to charge any other fee from the students other than the fee approved by the Committee.

The School management is further directed not to make any future enhancement in fee structure under any head without permission of the Committee.



Realization of Annual Fee from the students shall be subject to providing the facilities to students and actual expenditure of the school on relevant overheads.

The School management shall display this approved fee structure on School notice board, upload it on School website and publish the same in local daily newspapers.

Non-compliance will attract penal action under law.

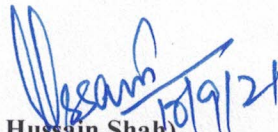
Sd/-
Justice Muzaffar Hussain Attar
(Former Judge)
Chairperson
Committee for Fixation & Regulation
Of Fee of Private Schools J&K (FFRC)

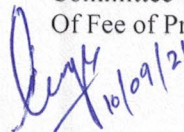
No. FFRC/FF/2021/Sgr/244

Dated: - 10 /09/2021

Copy to:-

1. Director School Education Kashmir for information and n/a;
2. Secretary J&K Board of School Education (Member FFRC) for information;
3. Sr. Private Secretary to Chairperson FFRC for the information of Hon'ble Chairperson;
4. Private Secretary to Principal Secretary to Government School Education Department (Member Secretary FFRC) for information of the Principal Secretary;
5. Principal, Kashani Memorial Public (K.M.P.) School, Burzahama, Hazratbal, Srinagar, for compliance;
6. I/C Website for uploading the same on official website;
7. Office file.


(Nazir ul Hussain Shah)
Administrative Officer
Committee for Fixation & Regulation
Of Fee of Private Schools J&K (FFRC)


10/09/21