

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

Order No: 592 -FFRC (FF) of 2021
Dated: 28 -10-2021

Sub: Fixation and Regulation of fee of Orbit Girls School, Hyderpora, Peerbagh, Srinagar.

Orbit Girls School, Hyderpora, Peerbagh, 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/838**.

The Chairman of the School in his communication No.OGS/218-21 dated 16.09.2021, send alongwith documents, has stated that the School Management has maintained same fee structure from the time of setting-up of the School (2014-15 till date). It is also stated in the communication addressed to Chairman, FFRC that School Management is not seeking enhancement in the fee structure.

Record shows that School from the inception has been charging an amount of Rs.25,000/- as Admission Fee and has not been charging and collecting Annual Fee. However, in the academic session 2020-21 the record shows that School has not charged Admission Fee but has for the first time charged Annual Fee to the tune of Rs.6,000/-.

On the record is placed the Trust Deed of Mahajan Career Learning Foundation. The settler of the Trust is one, Mrs. Roshan Jahan R/O Delhi. It shows that the Deed of Public Charitable Trust was executed for its amendment on 27th February' 2015. The second paragraph of the Trust Deed is taken note of:



“By virtue this deed was made on 25/03/2013 by name of MAHAJAN CAREER LEARNING FOUNDATION with the Registration no.361 in Book No. 4 Vol No. 4,187. Where as Mr. Kuldeep Chaudhary S/O Devender Singh aged about 25 years, resident of H.No. 849 Habura & Bichpatiya Mohalla, Dallupura, Delhi-110096 was Founder/Settler.”

It prima facie appears that an impression is sought to be given that the School is run under the aforesaid Trust.

However, at Page – 90 of the School record, the Chairman has placed copy of Partnership Deed on the record. This Partnership Deed has been executed on 14th August’ 2014 between Sh. Naseer Ahmad Shah S/O Kh. Gh. Qadir Shah R/O Nishat, Srinagar, Kashmir; Sh. Khursheed Ahmad Mahajan S/O Haji Ghulam Mohammad Mahajan R/O Upper Soura, Srinagar, Kashmir and Aspire Educational Services Pvt. Ltd. through Sh. Mubashir Aslam Wafai S/O Late Mohammad Aslam Wafai R/O Soura, Srinagar, Kashmir.

Sh. Naseer Ahmad Shah is called as 1st Party, Sh. Khursheed Ahmad Mahajan as 2nd Party and Sh. Mubashir Aslam Wafai as 3rd Party, in the Partnership Deed.

Partnership Deed, besides other things, reveals as under:

- A. Partnership concern has rented out a building for running of School at Peerbagh, District Budgam.
- B. Party No. 01 & 02 have invested amount for renovation of building and purchase of furniture/ fixture, library books, lab equipments etc.
- C. Party No. 01 & 02 have joined hands with Party No. 03 for running School at Peerbagh, District Budgam under the name and style of “ORBIT GIRLS SCHOOL” **on partnership basis.**
- D. Party No. 03 has been saddled with responsibility of running and maintaining the **business of partnership.**



E. Party No. 01, 02 & 03 were required to contribute for further upgradation i.e, major structural repairs, furniture and fixture in the ratio of 47.5 %, 47.5% and 5% respectively.

F. Similarly, expenses for commissioning of the School were to be borne by the parties. Party No. 01 & 02, in 40% each and Party No. 03, 20%.

Para – 06 of the Partnership Deed is taken note of:

“Whereas after the commissioning of school all the administrative expenses such as repairs, advertisement, promotional expenses and rest of expenses like salary of teaching and non teaching staff, rent of building, day to day expenses, promotional expenses, routine maintenance of school, painting, sports and play related material and all other remaining expenses of the school shall be borne by the parties as per respective shares, i.e Party No. 1 – 40%, Party No. 2 – 40%, Party No. 3 – 20%.”

The Audited Reports placed on record show that Khursheed Ahmad Mahajan, Mubashir Wafai and Naseer Ahmad Shah, have been paid huge amounts from out of School Funds.

It prima facie appears that the Trust Deed has been placed on record to hoodwink the authorities and FFRC.

In many like schools, action has been taken by FFRC and orders passed to streamline the schools and put them on track in accordance with the settled norms. All such schools have responded positively and have dissolved the partnership deeds.

In the identical circumstances, orders in respect of some schools were passed and United Public Higher Secondary School, 52, Sec – 2, Channi, Himmat, Purmundal, Jammu is one such school.

The record of School under discussion also reflects the same situation which had arisen in United Public Higher Secondary School, 52, Sec – 2, Channi, Himmat, Purmundal, Jammu. The facts of the two schools are almost similar.

The facts of this case are governed by order No.415 – FFRC (FF) of 2021 dated 11.08.2021. The relevant part of the aforesaid order is taken note of:

"Hon'ble the Supreme Court has consistently stated that Education is not business, but a work of charity. The Educational Institutions are to be run on no profit no loss basis, of course with scope for maintaining of surplus of 10% to 15%, which amount is to be spend on welfare and providing good education to children.

From the times immemorial, education has been treated as a noble cause. Imparting education has never been commerce.

Both, in fact and in law, setting-up of school for imparting education is charitable work and people who set-up educational institution hold the same as trustees for the benefit of public at large.

The matter is referred to Principal Secretary to Government School Education Department, for passing of appropriate orders in accordance with law, in respect of the School.

The School Management and Partners are required to dissolve the partnership deed and constitute a trust, for running the School.

The Partners of the firm are restrained from receiving any monetary benefits from the School Funds, till further orders.

The Principal of School shall open an account in a Schedule Bank in the name of School which shall be operated upon by Principal, one Partner and a representative of School Parents' Association.

Until further orders, the Partners/ School Management shall not make hike in Fee Structure.

The salary of teaching and non-teaching staff shall be paid by Principal, and documents witnessing same shall be signed by one Partner and representative of School Parents' Association.

The parents shall deposit fee which is being paid at present in the account to be opened and operated as directed hereinabove. This part of order, however, shall not be construed that Fee Structure of School is regulated. Separate orders will be passed about same.



Principal and Partners to submit compliance report within two (02) weeks.

The education of students shall continue unhampered and all steps shall be taken by School Management to provide quality education to students.”

The aforesaid order/directions shall apply in all fours to this case also. These directions shall be complied with and compliance report submitted within week's time.

The other school managements have taken steps for complying with the orders and fee structures of some of these schools have already been regulated by FFRC.

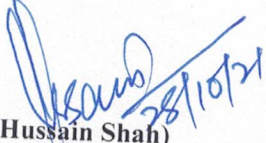
Sd/-
Justice Muzaffar Hussain Attar
(Former Judge)
Chairperson
Committee for Fixation & Regulation
Of Fee of Private Schools J&K (FFRC)

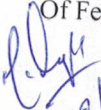
Dated: - 28 / X / 2021

No. FFRC/FF/2021/Sgr/838

Copy to:-

1. Director School Education Kashmir for information;
2. Secretary J&K Board of School Education, for information;
3. Private Secretary to Principal Secretary to Government School Education Department, for information of the Principal Secretary;
4. P.A. to Chairperson FFRC for information of the Hon'ble Chairperson, FFRC;
5. Principal, Orbit Girls School, Hyderpora, Peerbagh, 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)


28/10/21