



GOVERNMENT OF HARYANA / हरियाणा सरकार  
Office of Commissioner  
Cum  
Director General School Education  
विद्यालय शिक्षा निदेशालय

Directorate of School Education - Haryana (Haryana)



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ORDER

No. 7/75-97 PS(1)

Dated, Chandigarh 23/10/06

Whereas Faridabad Abibhavak Ekta Manch, Faridabad an NGO had filed PIL No. 15500/1997 in Hon'ble Punjab and Haryana High Court in 1997 to sought a writ of Mandamus for directing the respondents, including CBSE to initiate action against respondent No. 6 to 30 for not following the rationale fee structure and demanding exorbitant fee from the students admitted in various public schools impleaded as respondents. The Hon'ble Court passed the following orders on 11-3-2005:-

*"Accordingly, we dispose of the writ petition with a direction to respondents No. 1 to 4 to treat the present writ petition as a representation and take a final decision thereon in accordance with law.*

*Needless to add that final decision on the representation shall be taken by the authorities concerned after affording adequate opportunity of being heard to affected parties.*

*The decision shall be taken as expeditiously as practicable and in any case not later than 4 months from today."*

In compliance of the orders of the Hon'ble High Court the matter was examined and all the schools mentioned in the PIL were asked to supply a detailed report regarding fees and funds charged during the last five years. Most of the schools failed to supply the required information. Thereafter, a personal hearing was given to all the concerned schools of Faridabad District on 20-5-05 with a copy of the representation of Faridabad Abhibhawak Ekta Manch Faridabad as requested by the schools. Again another opportunity of hearing was given on 17-6-2005 to supply the fee structure etc. But the

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records which are existing in the State of Haryana irrespective of the fact that they are affiliated with any Boards other than Haryana School Education Board.

As per provision made in rule 187 of Haryana School Education Rules 2003, "The Director is competent to authorize to any officer(s) for inspection of all or any of the functions and activities of the recognized school. The school authority shall allow the inspection of record as required by the inspecting officer."

The officers who were authorized to inspect the said records of the above stated schools were not allowed to inspect the same thus the managements of the schools acted in total violation of the provisions of this rule which is a refusal to accept the authority of the Director given under this rule. Hence the said managements have made their selves for the action stated in rule 43 (1) (a) which runs as under:-

"(1) The appropriate authority may withdraw/suspend the recognition of a school after giving a reasonable opportunity against the proposed action to be taken against the school in the following circumstances:-

(a) if a school ceases to fulfill any requirement of the Act or any of the conditions of these rules."

The said managements of the schools were given reasonable opportunities as detailed above to show cause notice regarding the proposed action but they miserably failed to give any plausible reasons for not allowing the inspection of school records rather in their replies challenged the authority of the Director given under the provisions of the Act and Rules. However, these all schools submitted information regarding their fee structure etc. as required by the department but still department has to ascertain whether the information supplied by the said schools are true and based on records, hence further inspection of the records relating to supplied information is necessary but the said managements are not ready to get inspected the said records as per their replies of show cause notices.

schools did not turn up on the fixed date along with required information. On non receipt of required information from the schools respondent No. 4 decided to send a inspection team to ascertain the facts from the school records and the inspection team headed by Additional Director School visited the schools on 18/19-10-2005 to inspect the records pertaining to fee structure and concession granted to economically weaker sections in light of court directions in CWP No. 15500 of 1997. The team visited the following 7 schools namely:-

1. SOS Herman Gmeiner School, Sector 29, FBD.
2. DAV Public School, Sector 14, FBD.
3. Aggarwal Public School, Ballabgarh, FBD
- ✓ 4. APJ Ser. Sec. School, Sector 15, FBD
5. Modern Vidya Niketan, Sector 17, FBD
6. DPS Ser. Sec. School, Sector 19, FBD
7. Modern School Sector 17, FBD

Out of the above schools the schools namely; APJ Ser. Sec. School, Sector 15, FBD; Modern Vidya Niketan, Sector 17, FBD; Modern School, Sector 17, FBD; DPS Ser. Sec. School, Sector 19, FBD flatly refused to show the records to the inspection party. For the sake of justice the schools were served with a show cause notice as to why they have not allowed to inspect the records as the same was required by the department for taking a decision as per directions of the Hon'ble High Court but the schools gave no satisfactory reply of the show cause notice, rather they contended that the department has no right to inspect the school records on the ground that schools are affiliated with Central Board of School Education (CBSE) New Delhi.

Under the section 4 clause 6 of Haryana School Education Act 1995 every existing recognized school or schools which are already affiliated with Boards or Council Indian School Certificate Examination other than Board of School Education, Haryana, shall be deemed to have been recognized under this section and shall be subject to the provisions of this act and the rules made there under, hence the department has every right to inspect the school

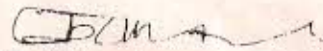
The DPS Ser. Sec. School, Sector 19, FBD has requested separately for inspection.

The schools which have flatly refused for the said inspection are as under:

- ✓ 1. APJ Ser. Sec. School, Sector 15, FBD
2. Modern Vidya Niketan, Sector 17, FBD
3. Modern School, Sector 17, FBD

Thus keeping in view all above stated facts and circumstances these schools are liable to for the action as stated rule 43(1)(a) read with rule 187 of Haryana School Education Rules 2003, hence the recognition of the above three schools are hereby de-recognized from next academic session starting from 1-4-2007.

In view of the position explained I pass orders accordingly.



**K.K. Khandelwal**  
**Commissioner cum Director General School**  
**Education, Haryana, Chandigarh**

etc

To

1. President,  
Faridabad Abhibhawak Ekta Manch,  
Faridabad
- 2 All concerned schools Modern School, Sector, 17, FBD
- 3 Secretary, Central Board of Secondary Education, New Delhi.

Regd