

DIRECTORATE OF EDUCATION, DELHI ADMIN, DELHI.

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

Dated:

To

All the District D.D.s.

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 schools for a limited period & 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 Digamber 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 School Education Act, 1973. The operational portion of the said judgement reads here as under:-

Thus on a very careful consideration of all the various provisions of the 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 cannot 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 his judgement on 9.11.79 in the case of Appeal No.143/79-C.A. in the case of Bahar Education Trust Vs.State as hereunder:-

In view of the Law laid down by the Delhi High Court in the case of Digamber 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 opinion that the school does not satisfy any one of the condition specified under Sub-section(1) of Section 4, he will have to follow the procedure laid down under Sub-section(6) of Section 4 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 non-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, Hence forth all recognised schools shall be deemed to be permanently recognised and recognition should be withdrawn only through the procedure laid down under sub-sec.(6) of Section 4 of the Act read with Rule 56 of Delhi School Education Rules, 1973.

Contd.....2/-

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 specified under Rule 51 under the said Rule should be duly provided to the school. Conditions already imposed governing recognition should be fulfilled and report thereof be submit to the undersigned through Zonal Education Officer. The managements will also continue to comply with other relevant requirements of the Delhi School Education Act and Rules, 1973 as applicable to their schools.

The District Deputy Directors and Zonal Education Officers are required to conduct through inspections from time to time on the implementation/fulfilment/of the above mentioned statutory requirements/conditions of recognition and keep a record thereof in the recognition files. Deficiencies, if any, be pointed out to the managements for removing the same within specified period under intimation to the undersigned. In case, any management fails to fulfil the statutory requirements mentioned above, action should be taken for withdrawal of recognition in accordance with the procedure laid down under sub-section(8) of sec.4 of the Act read with Rule 56 of Delhi School Education Rules, 1973.

Kindly acknowledge receipt of the circular.

Yours faithfully,

Sd/-
(BALESHWAR RAI)
DIRECTOR OF EDUCATION.

Dated: 4.1.1980.

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

Copy forwarded for information and n.a.to:-

1. All E.Os. and D.E.Os.
2. All the Branch Officers of the Directorate of Education, Delhi.
3. Principals of all recognised private aided and unaided schools.

Sd/-
(V.P.SINGH)
ASSTT. DIRECTOR OF EDUCATION (GENL)

Filed
24-1-80

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