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DIRECTORATE OF EDUCATION, DELHI ADMIN. DELHI:
No. F. 32(2) (21)/Gen/79/

Date: 14 Jan 80

To

All the District D.D. Es.

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 and 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 Digambar 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:-

CC		<p>" 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 at some time the school will be able to fulfil the requirements and conditions 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. (1) or (6)".</p>
S		
ED	<i>Amr</i>	
DSD	<i>B</i>	
DSD	<i>235</i>	
DSD	<i>241</i>	<p><i>May 9 see Section</i></p>

APB/14/R

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 here under:-

" In view of the Law laid down by the Delhi High Court in the case of Digambar 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 conditions 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 ". *May 9 see Section*

In view of the above cited High Court judgement and above quoted pronouncement of the prescribed Authority (Lt. Governor), recognition of no school shall lapse as specified under Rule 54(2). Recognition once granted shall be absolute. *good*

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. Henceforth all recognised schools shall be deemed to be permanently recognised and recognition could be withdrawn only through the procedure

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Mc point
Manager

contd..... 2/-

25. The Principal
Reserve Services Command, Public
School, Upper Block, Connaught
Place, New Delhi-110001.

laid down under sub-sec. (8) of Section 4 of the Act read with Rule 56 of
Delhi School Education Rules, 1973.

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 submitted
to the under-signed 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 thorough 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.



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

Yours faithfully,

(RAJESHWAR JAI)
DIRECTOR OF EDUCATION, DELHI:
DATED: 1.1.1979

Copy forwarded for information and necessary action to:-
All Education Officers and D.E.Os.
All the Branch Officers of the Directorate of Education, Delhi
Principals of all Recognised private and unaided schools.

Put up with the relevant
provisions of rules quoted
above for the info. of
the Manager A.S.

(V.P. SINGH) 4.20
ASST. DIRECTOR OF EDUCATION (GENERAL)

