

OFFICE OF THE DIRECTOR SECONDARY EDUCATION, HARYANA, PANCHKULA

ORDER

Order No. 7/82-2022 PS (1)

Dated, Panchkula, the 15-12-2022

Whereas, the petitioner, namely Sh. Deepak Jain had filed Civil Writ petition No. 24172 of 2022 titled as Deepak Jain and Others V/s. State of Haryana and Others alleging that the respondent school namely, Delhi Public School, DLF, Gurugram is running classes for class 9th to 12th without recognition from appropriate authority and not issuing SLC and other documents of the petitioner children.

Thereafter, the civil writ petition was disposed of by the Hon'ble High Court on 02.11.2022. The operative part of the order dated 02.11.2022 is as under: -

This application has been filed for correction of order dated 28.10.2022 passed in the main case.

It has been stated that competent authority for deciding representation 26.9.2022 (Annexure P-10) is respondent No.2 and thus, necessary correction may be ordered.

For the aforementioned reason, the application is allowed. Order dated 28.10.2022 is corrected to read 'respondent No.2' instead of 'respondent No.3' as mentioned in the last paragraph of the order.

Whereas in the compliance of Hon'ble High Court orders dated 02.11.2022 and the department examined the representation dated 26.09.2022 and issued a direction to the District Education Officer, Gurugram vide memo no. 7/82-2022 PS (1) on dated 30.11.2022, 05.12.2022 & 08.12.2022 to comment and submit a report. Thereafter, District Education Officer, Gurugram forwarded a letter no. E-3/2022/1247 dated 13.12.2022 submitted by the Principal of Delhi Public School, Maruti Kunj, Gurugram vide letter no. DPSMK/ADMN/3122201 dated 02.12.2022 Principal, Delhi Public School, Maruti Kunj, Gurugram. The principal in the letter stated that Delhi Public School, DLF Phase II, Gurugram is feeder school of Delhi Public School, Maruti Kunj, Gurugram and the respondent school namely, Delhi Public School, DLF Phase-II, Gurugram is recognized for running classes upto 8th Classes. The principal had also stated that the SLCs to students for 9 to 12 classes had been issued from Delhi Public School, Maruti Kunj, Sohna Road, Gurugram and the out of 13 petitioners, 11 petitioners had taken their SLCs.

Whereas, Delhi Public School, Maruti Kunj, Sohna Road, Gurugram was granted permanent recognition vide order PSR102021955 dated 29.09.2022. and it is apparent from the statement made by the principal Delhi Public School, DLF Phase II, Gurugram that Delhi Public School has used Delhi Public School, DLF Phase II, Gurugram as feeder school and branch for admitting students

Whereas Rule 42 (3) of the Haryana School Education Rules, 2003 provides that Branches opened by the managing committee of a school already recognized shall be treated as new schools for the purpose of recognition. The Rule 42(3) of the Haryana School Education Rules, 2003 is reproduced here as under: -

- (3) Branches opened by the managing committee of a school already recognized shall be treated as new schools for the purpose of recognition i.e. no managing committee is allowed to run two schools affiliated with different Boards/Council in the same building/premises.**

Whereas Rule 3 of the Haryana School Education Rules, 2003 provides that no school in the state can function, establish or start classes without the prior approval or permission of the Director. The Rule 3 of the Haryana School Education Rules, 2003 is reproduced here as under: -

- Rule 3 (1):- No school in the state can function, establish or start classes without the prior approval or permission of the Director. Every school established by any individual or association of individuals or firm or society or trust or company. shall follow the norms specified under these rules, any act or disobedience on the part of the school managing committee contrary to the provisions of these rules shall make its liable:**

Whereas Rule 36 of Haryana School Education Rule, 2003 provides that no recognized school without giving full justification and without prior approval of the appropriate authority, shall open any new class other than which have received approval from the appropriate authority.

Whereas the Rule 42 provides for suspension/withdrawal of recognition of the said school. The operative part of Rule 42 is reproduced here as under:

- (1) The appropriate authority may withdraw recognition/NOC of a school after giving a written notice, drawing the attention of acts of omission and commission contrary to the Acts/rules or directions issued their under to the managing committee either directly or through Principal/ Head of the institution**
- (2) XXXXX**
- (3) Branches opened by the managing committee of a school already recognized shall be treated as new schools for the purpose of recognition i.e. no managing committee is allowed to run two schools affiliated with different Boards/Council in the same building/premises.**

- (4) *If the school authority fails to satisfy the appropriate authority of the lapse within thirty days from the date of service of such notice the recognition/NOC shall stand lapsed.*
- (5) *The schools referred to in sub-rule (2)(c) above shall apply to the appropriate authority in an application along with documents such as resolution of managing committee, ownership of land, approved plan and an undertaking regarding any consequent liability/dispute*
- (6) *XXXXXX .*

Whereas it appears that both the schools are being running in violation of rule 3 and 36 read with rule 42 of Haryana School Education Rules, 2003.

Therefore, a show cause notice is being issued to the management of the said schools as to why the recognition granted to both the schools namely, Delhi Public School, DLF Phase – II, Gurugram & Delhi Public School, Maruti Kunj, Sohna Road, Gurugram may not be withdrawn and fine be not imposed upon the school management under Haryana School Education Rules, 2003.

The reply, if any, the Management of said schools wants to submit, should be sent to this Department within a period of 15 days, failing which, it will be presumed that the Management of the schools has nothing to say in this regard and the appropriate order shall be passed in accordance with Rules.

9/15/12/22
(Dr. Anshaj Singh), IAS
Director Secondary Education
Haryana, Panchkula

Endst. No. 7/82-2022 PS(1)

Dated, Panchkula: 15-12-2022

Regd:

To,
Manager, Delhi Public School, DLF Phase-II, Gurugram
& Delhi Public School, Maruti Kunj, Sohna Road, Gurugram

A copy is forwarded to the following for information and necessary action: -

1. District Education Officer, Gurugram is requested to ensure the receipt of show cause notice to the concerned and sent the action taken report within 7 days.
2. Principal, Delhi Public School, DLF Phase-II, Gurugram
3. Principal, Delhi Public School, Maruti Kunj, Sohna Road, Gurugram

15/12/22
Dy. Superintendent PS
for Director Secondary Education
Haryana, Panchkula