

ACTION COMMITTEE

UNAIDED RECOGNIZED PRIVATE SCHOOLS (REGD.)

Excerpts from the Judgement of Supreme Court of India (7/8/2009)

The Action Committee challenged the order of Directorate of Education dated 15/12/1999, Ref. No. DE. 15/Act/DUGGAL came for argument on 25/8/2008. Sh. Soli J Sorabjee and Sh. Salman Khurshid represented the Action Committee and argued the case. The excerpts of the judgement are given below:

1. "The order dated 15/12/1999 is not a statutory order. Such a statutory order also could Not have been issued under the directions of the High Court as the very premise on Which such directions have been issued does not survive any longer in view of the Decision of this Court in T.M.A Pai Foundation."
2. So far as utilization of savings from the fees collected by such school by its managing Committee is concerned, the same can be utilized for the purpose of assistance of any Other school or educational institution under the management of the same society or Trust by which the first mentioned school is run."
3. "The authorities of all the schools, particularly, unaided schools, may lay down its own of then Fee criteria. Imposition of regulation, however, only is permissible for the purpose of Exercising of control over profiteering and not earning of a profit which would include Reasonable return of the investment made".
4. "If reasonable fee structure is the test then transparency and accountability are equally Important."
5. "It would be incorrect to lay down any general rule and enforce them on a private Unaided institutions by way of gap-filling exercise and discipline or otherwise, despite The fact that rule 177 of the rules occupies the field. Such restrictions sought to be Imposed, for all intent and purport, take away the autonomy regime of the unaided Schools which are applicable to there institutions in terms of the aforementioned Constitution bench decisions".