DIRECTORATE OF EDUCATION, DELHI ADM: DELHI:

No. F. 32(2)(24)/Gen/79/ Date: 1

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 recogni was renewed before the expiry of that period. This practice was based on Rule 54(2) of th 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:-

" 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 orginally 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 af some time the school will be able to fulfil the requirements and condit 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 manne 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 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 Direct 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 no 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 matte 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 could be withdrawn only through the procedure

contd..... 2/-

Principal
Holy Child Sr. Sec. School
Tagore Garden,
New Delhi-110027