

RAISINA BENGALI SCHOOL: MANDIR MARG: NEW DELHI – 1
(Aided by Dte. of Education: Govt. of NCT of Delhi)

DOE SCHOOL ID: 2026033
CBSE SCHOOL NO.: 87074
Tel.: 011-23363267/3594

Website: www.raisinabengalischool.org
E-mail: raisinabengalischool@gmail.com
raisinammg@gmail.com (S.M.C.)

Ref.: RBS/2020-21/MCO/01-08

Date: 04.07.2020

TOP PRIORITY/BY E-MAIL

CIRCULAR

SUB.: "Link Officer (Financial Purpose) Provisional Arrangement – Clarifications"

Pursuant to cessation of re-employment of the then incumbent Principal on 10.01.2020 (A/N) and consequent vacancies in both the posts of Principal and Vice Principal in the school, the D.D.E., Zone-26, O/o DDE (New Delhi) vide their Office Letter no. 1161, dated 17.01.2020 (copy enclosed) conveyed **that a Principal/ Vice Principal of any Govt. School would be appointed to look after the Grant-in-Aid related financial responsibilities of the school.** This stand of/ position taken by the Dte. of Education, Govt. of NCT of Delhi, so far Aided Schools are concerned; is under challenge before the Hon'ble Delhi High Court in pending Writ Petition (Civil) No. 5431 of 2017 titled as Raisina Bengali School Vs. Govt. of NCT of Delhi & Ors. and subject to final outcome of the same.

Surprisingly, **in contradiction of their own afore-mentioned Office Letter, dated 17.01.2020 and in violation of the Standing Policy Order of the Dte. Of Education, G.N.C.T.D. in this regard, the D.D.E., Zone-26 issued Order no. 1194-1196, dated 11.02.2020 ERRONEOUSLY AND ILLEGALLY declaring Mr. Navneet Dixit, Vice Principal, G.B.S.S.S., Pandara Road as the Link Officer-Head of School for this school instead of Link Officer/ HOO for Financial Purpose only.**

The school authority has sent an Office Letter no. 696, dated 14.02.2020 and reminder thereof, dated 13.03.2020 (copy enclosed with all its supporting attachments) to the DDE, Zone-26 for issuance of necessary Corrigendum declaring the Link Officer for Financial Purpose only to set right the faulty Order, dated 11.02.2020. *But inexplicably, till date, no Corrigendum has been issued by the D.D.E. (Zone) Office in this regard and such inaction has led to avoidable and unnecessary confusions over the role of the Link Officer in the affairs of the school.*

In order to comply with the extant rule position and **submissions made by the Dte. of Education on affidavit before Court of Law**, as enumerated vide Circular No. F. No. PS/Addl. DE (A)/2004/6542-6582, dated 20.09.2004 of the Addl. D.E. (Admn.), Dte. of Education, G.N.C.T.D. (copy encl.), *which has been followed by the Dte. of Education vide subsequent Order dated 11.04.2017 and Corrigendum dated 16.8.2017 thereof issued by the D.D.E., Zone-29, O/o D.D.E. (South East) (copies enclosed) in an exactly similar case pertaining to Raisina Bengali School,*

Contd. 2



RAISINA BENGALI SCHOOL: MANDIR MARG: NEW DELHI – 1
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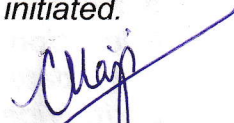
Website: www.raisinabengalischool.org
E-mail: raisinabengalischool@gmail.com
raisinammg@gmail.com (S.M.C.)

“2”

C.R. Park, N.D. 19 as well as the stand taken by the Dte. of Education in pending Writ Petition (Civil) No. 5431 of 2017 on sworn affidavit dated 16.08.2017 (copy enclosed); it is hereby clarified provisionally, till disposal of and without any prejudice to the stand taken by the Petitioner school in the afore-mentioned pending Writ Petition; as follows for information to and follow-up action of all concerned.

1. **The Link Officer appointed/ declared by the Dte. of Education shall perform and look after the responsibilities of the Link Officer/ HOO for Financial Purposes ONLY.**
2. **Accordingly, all G.I.A. related Financial matters and files will be en-
routed to the Link Officer through the undersigned.**
3. **All other administrative and academic duties and responsibilities shall be performed and looked after by the Head of School/ In-charge nominated by the School Managing Committee.**

Any deviation/s from and/or violation/s of this Circular, being in direct contradiction to the existing Policy Decision of the Dte. of Education, G.N.C.T.D. and also being in confrontation with the stand taken by the Dte. of Education on affidavit before a Court of Law – thus rendering the DOE to probable perjury - shall be viewed very seriously and appropriate action as per law will be initiated.



(CHITRA MAJI)
MANAGER, S.M.C.

Copy for information/ strict compliance to,

1. Chairman, S.M.C./ Vice Chairman, S.M.C. for kind information
2. ADE/DDE (ASB), Dte. of Edn.: Aided School Br., G.N.C.T.D., Old Sectt., Delhi-54 with a request to issue necessary directive to the DDE (New Delhi/ Zone-26) Office for expeditious issuance of the requested formal Corrigendum
3. DDE, Zone-26, Distt. New Delhi, Jhandewalan, New Delhi-5 with a request to issue the required formal Corrigendum without any further delay
4. Link Officer, DOE, GNCTD appointed for the School
5. Head of School/ In-charge
6. All Ministerial Staff in School Office
7. Management Office
8. Staff Notice Board, General Notice Board & School Website



MANAGER, S.M.C.

No. 192
18/1/20

OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
ZONE 26, DISTT: NEW DELHI
PLOT NO. 5, JHANDEWALAN, NEW DELHI-110005

NO. F/Z-26/2019/1161

Dated: 17/01/2020

To

The Manager,
Raisina Bengali Sr. Sec. School,
Mandir Marg,
New Delhi.

Subject:- Handing-Over/Taking-Over & Relieving from charge of Head of School.

Madam,

With reference to RBS/2019-20/626-630 dated 10/01/2020 vide which declaration and specimen signature of Ms. Arti Jain, PGT has been received in this office. From the perusal of the office order it has been noticed that the posts of Principal and Vice-Principal are lying vacant. The senior most 02 teachers namely Ms. Shampa Banerjee, PGT and Mr. Mriganka Chatterjee, PGT are facing initiation of some Disciplinary Proceedings. The third senior most Ms. Chandrima Basak, PGT has declined the responsibility due to personal circumstances. This Zone is not aware of any disciplinary proceeding (charge) against Ms. Shampa Banerjee, PGT and Mr. Mriganka Chatterjee, PGT, further as per the department policy in the absence of regular head of school (vacant post of Principal and Vice Principal) a Principal or Vice-Principal of Govt. School is to be given the financial responsibility for proper use of grant-in-aid.

In view of the above the following documents are required for further action:-

1. M.C. Resolution dated 06/1/2020 duly signed by members of the committee.
2. Copy of complaint/charge and present status against Ms. Shampa Banerjee, PGT and Mr. Mriganka Chatterjee, PGT duly considered by the Managing Committee (Resolution).
3. Initiation for filling up the vacant post through DPC/DR.

You are hereby directed to submit the above documents with response positively within 05 days from the date of issue of this letter.

18.1.20

Seen
20/01/2020

17.1.2020
DEPUTY DIRECTOR OF EDUCATION
ZONE-26

Raisina Bengali School

(Senior Secondary)

(Estd. 1925)

(A Govt. Aided School)

www.raisinabengalischool.in

E-mail: raisinabengalischool@gmail.com



MANDIR MARG

NEW DELHI

110001

Phone: 23363594

23363267

RBS/2019-20/228

Date: 13/03/2020

"URGENT/ REMINDER"

THE DY. DIRECTOR OF EDUCATION
ZONE-26, DISTT.: NEW DELHI
DTE. OF EDUCATION: GOVT. OF NCT OF DELHI
JHANDEWALAN: NEW DELHI - 5

13/03/2020

SUB.: "Request for Corrigendum of Order No. F/Z-26/2020/1194-1196, Dated 11.02.2020
Reg. Link Officer/ Head of Office for Financial Purposes"

Madam,

W.r.t. the captioned Order and in continuation of this office letter no. RBS/2019-20/696, dated 14.02.2020 (copy of acknowledgment enclosed for ready reference) on the cited subject, you may please note that NO corrigendum, as requested for vide our afore-mentioned office letter has been received by the school till date.

In this regard, I would draw your kind attention to the Corrigendum issued by the D.D.E., Zone-29, O/o D.D.E. (South East), bearing no. DDE-29/AS/2017/113/685-686, dated 16.08.2017 on a similar issue pertaining to Raisina Bengali School, Chittaranjan Park, New Delhi - 19 (copy enclosed for ready reference). This corrigendum was issued in light of Circular No. F. No. PS/Addl. DE (A)/2004/6542-6582, dated 16.08.2004 of the Addl. D.E. (Admn.) (copy enclosed).

Your kind attention is also invited to the Affidavit and Index thereof, dated 16.08.2017 filed on behalf of Dte. of Education, Govt. of N.C.T. of Delhi in W.P. (C) No. 5431/2017 titled as Raisina Bengali School V/s Govt. of NCT of Delhi & Ors. (copy enclosed), whereby the afore-mentioned Corrigendum was submitted to the Hon'ble High Court.

You are, therefore, requested to issue a Corrigendum to Order No. 1194-1196, dated 11.02.2020 declaring Mr. Navneet Dixit, Vice Principal, GBSSS, Pandara Road *as the Link Officer/ Head of Office for Financial Purposes instead of Link Officer as HOS in order to make your afore-mentioned Order compliant with the policy decision of and stand taken by the Dte. of Education before the Hon'ble Delhi High Court in a similar matter.*

An acknowledgment and expeditious disposal will be solicited.

Encl.: As above

Yours sincerely,

(CHITRA MAJI)

MANAGER, S.M.C.

Secretary-Manager
Raisina Bengali School
Mandir Marg, New Delhi

**IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (CIVIL) 5431 OF 2017**

IN THE MATTER OF:

Raisina Bengali School

.... Petitioners

VERSUS

Government of NCT of Delhi & ors.

.... Respondent

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3.	ANNEXURE-R/2 True copy of letter dated 19/07/2017.	26-27
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FILED BY

SIDDHARTH DUTTA

Panel Advocate for Respondent No.1 to 5,
16, Todarmal Road, Near Bengali Market,
New Delhi - 110 001

New Delhi

Dated : 19.08.2017

Phone : 011 - 23310290 - 91

Enrolment No. D-632/2006

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) NO. 5431 OF 2017

IN THE MATTER OF:

Raisina Bengali School

...Petitioner

Versus

Government of NCT of Delhi & Ors.

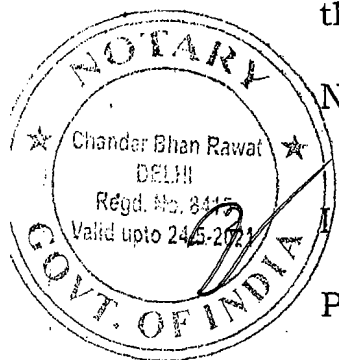
...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 1 TO 5 TO THE
AFORESAID WRIT PETITION**

I, Sunita Khilnani, W/o. Ravi Khilnani, Age 58 Years, do hereby solemnly affirm and declare as under:-

1. That I am the Deputy Education Officer, Posted at O/o DDE (South East) C Block Defence Colony New Delhi-110024, and as such, I am fully aware of the facts and circumstances of the present case and as such, am fully competent to swear the present Counter-Affidavit on behalf of the Respondent Nos. 1 to 5.

I have read and fully understood the contents of the Writ Petition filed by the Petitioner before this Hon'ble Court, and in reply to the same, I, on behalf of the Respondent No. 1 to 5 am filing the present Counter-Affidavit based on records ordinarily available with the office of the Respondent No. 1 to 5 and based on files/documents maintained with the Respondent No. 1 to 5.

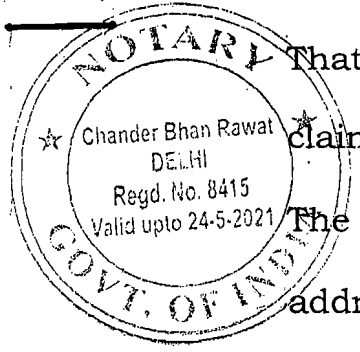


3. That based on the records available with the Respondent Department, I specifically deny each and every averment, contention and submission that has been levelled against the Respondent No.'s 1 to 5 unless otherwise admitted, nothing contained herein should be specifically deemed to be admitted for want of traverse.

PRELIMINARY OBJECTIONS:

4. At the very outset, it is stated that the Writ Petition as filed is misconceived, not maintainable and liable to be dismissed with compensatory costs. The above Writ Petition is misuse and abuse of process of this Hon'ble Court and deserves to be dismissed with exemplary costs.

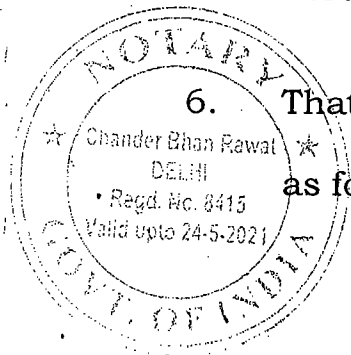
5. Without prejudice to the aforesaid submissions, it is submitted that the Petitioner has no *locus standi* to file the present Writ Petition and for this reason alone the above Writ Petition deserves to be dismissed with compensatory costs.



That the present Writ Petition is filed by one Mr. Nishi Sarkar claiming to be the 'Acting Chairman' of the Petitioner School. The Petitioner School vide Letter dated 03/07/2017 addressed to Sh. Nishi Sarkar informed him that his membership has been forfeited for the reason set out therein. The Petitioner School informed the Directorate of Education

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i.e. Respondent No. 1 of the aforesaid fact by letter dated 19/07/2017 intimating the Department that Mr. Nishi Sarkar is not authorized to bring forth the present Writ Petition before this Hon'ble Court and therefore he must answer as to what authority or locus standi vests in him to file the present Writ or Suit or any other legal proceedings on behalf of Raisina Bengali School. In fact the said letter also laid bare the fact that Mr. Nishi Sarkar is acting as "a self proclaimed Acting Chairman of the School Managing Committee". Further the Directorate of Education was informed by this letter that Mr. Nishi Sarkar, had already forfeited his membership as Vice President by violating the 'scheduled norms of the School Constitution and ceased his membership w.e.f. 01.07.2017 from the constituent of the Governing Body i.e. the Apex Body of the Society running the School. A copy of letter dated 03/07/2017 written by Raisina Bengali School addressed to Mr. Nishi Sarkar is hereto annexed and marked as **ANNEXURE R-1**. A copy of letter dated 19/07/2017 written by Raisina Bengali School to the Directorate of Education is hereto annexed and marked as **ANNEXURE R-2**.



6. That the Hon'ble Court vide order dated 07/07/2017 directed as follows:

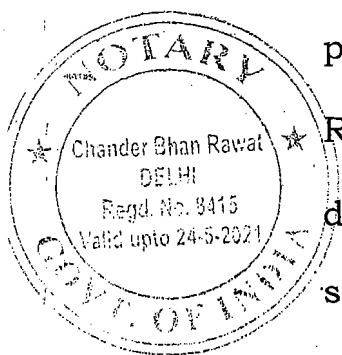
" As the issue needs to be decided whether respondent no.5 could have been appointed as HOS/DDO of the petitioner School, pending hearing of

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the petition, respondent no.5 shall be permitted to sign the salary bills for the month of May and June, 2017 for onward submission of the same to the respondent no.4 who shall immediately process the same and release the amount for payment to the teachers of the petitioner School."

Pursuant to the said Order Smt. Sunita Khilnani, who was appointed as the Head of Office by Respondent No. 1 by its order dated 11/04/2017 and subsequent corrigendum dated 16.08.2017 went to Raisina Bengali School to sign the salary bills for the month of May and June, 2017 for onward submission of the same to the Directorate of Education. However the Management Committee of the School, in blatant violation of orders of this Hon'ble Court dated 07/07/2017 refused to allow Smt. Sunita Khilnani to join and/or act in the capacity of Head of Office for the purpose of facilitating the process of clearance of pending dues.

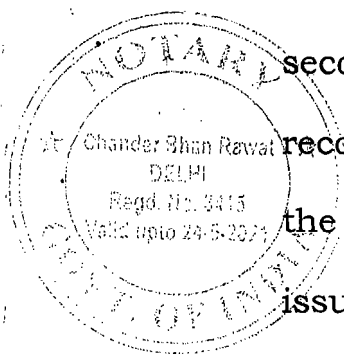
That the Directorate of Education on 12.07.2017 has processed the salaries for the month of April. That the Raisina Bengali School has submitted receipts and relevant documents with Directorate of Education for processing of salaries for the Months of May & June 2017 only on 02.08.2017 and the process of releasing of salaries is currently under process. It is re-iterated that the delay in submission of bills and processing thereof is wholly



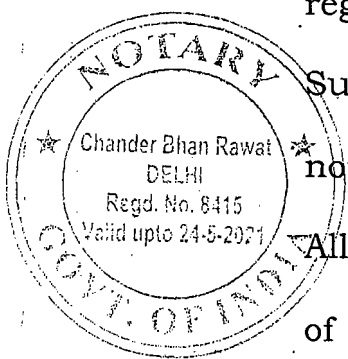
attributable to the attitude adopted by the School's Managing Committee which has not only failed to comply with the provisions of the Delhi School Education Act of 1973 but further has also shown utter disregard towards the orders of this Hon'ble Court.

7. That, the present Writ Petition is wholly false and fabricated and is nothing more than a malicious attempt by Mr. Nishi Sarkar to established himself as an active authority of the School, despite the School Managing, Committee itself disowning him expressly by its letter dated 03/07/2017. It is also not out of context to mention herein that the matter regarding re-employment of Mr. Subrata Sen is pending in LPA No. 721 of 2016, before this Hon'ble Court have no consequence or bearing in the present Writ and any reliance placed thereon is wholly misplaced and without cause.

8. That, Directorate of Education is a regulatory authority under the Delhi School Education Act, 1973 and is regulating all schools in Delhi which are imparting education upto senior secondary level. Under the aegis of the said Act all School's recognized by Directorate of Education are required to follow the rules, regulations and circulars, notifications and orders issued by Directorate of Education, from time to time, for securing the welfare of students and employees of the Schools.

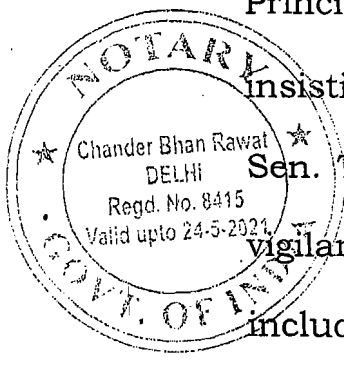


9. That the case being made out by one Mr. Nishi Sarkar on behalf of the Petitioner School is that the Directorate of Education has stopped the salary of staff for the month of April and May 2017, the said allegations are wholly false and are categorically denied by the answering Respondent's. However, it is admitted that there was a delay in disbursement of salaries for the months of March and April 2017. However, even the said delay is wholly on account of the Managing Committee of the Petitioner School. It is humbly submitted that the Directorate of Education provides 95% aid to an aided School. The procedure for payment of salaries for a recognized aided school is as per Rule 126 of the Delhi School Education Rules, 1973. A copy of the procedure for Payment of pay and allowances, pension and gratuity, reimbursement of medical bills, accounting of Provident Fund and Payment and payment of other allowances if hereto annexed and marked as **ANNEXURE R-3**. The Management Committee of the Petitioner School has failed to appoint a regular Principal or Vice Principal after retirement of Mr. Subrata Sen as Principal on 31/03/2016, and hence due to non compliance of Procedure for Payment of Pay and Allowances by the School, difficulties arose in disbursement of salary of March 2017 onwards. However following the orders of this Hon'ble Court and in terms of the said procedure the salary of April 2017 has been released.



10. That the Raisina Bengali School even after repeated reminders did not provide the bills of salary for the month of May & June 2017 on time. A copy of the reminder letters sent by the Directorate of Education to the Raisina Bengali School is hereto annexed and marked as **ANNEXURE R-4**. That the bills for the two months, May & June 2017 were provided by the Raisina Bengali School only on 02/08/2017 and now are under process as is required under the Procedure for Payment of Pay and Allowances under Rule 126 of the DSEAR. It is pertinent to mentioned that this Hon'ble Court vide order dated 07/07/2017 had directed Ms. Sunita Khilnani as Head of Office for signing the Pay Bills but the Raisina Bengali School did not allow her to do so and nor allowed her to inspect any record/registers related to the said Bills. The reluctance shown by the School Management Committee in view of the express directions of this Hon'ble Court is highly questionable and is nothing more than a deliberate attempt to mis-interpret and mislead.

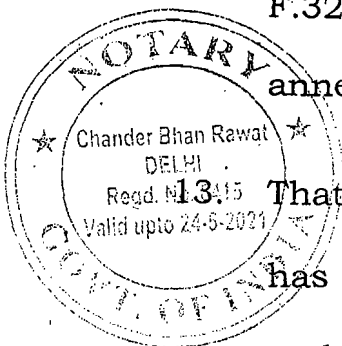
11. That the Raisina Bengali School has not appointed a regular Principal or Vice Principal and the Management Committee is insisting upon re-employing the retired principal Mr. Subrata Sen. The relevant fact in this regard being that a number of vigilance cases are pending against the said Mr. Subrata Sen including one of misappropriation before the Anti Corruption Branch of GNCTD and further a Complaint is also pending before the Police Station C.R. Park filed by the Directorate of



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Education regarding embezzlement of Raisina Bengali School funds. In view of such serious allegations pending against Mr. Subrata Sen, the view taken by the Managing Committee of the Petitioner School is highly untenable and amounts to utter disregard for the welfare of the School and its students. It is also nothing more than an attempt to overreach the law.

12. That the Management Committee vide letter/ office order dated 10/05/2016 appointed one of the Senior most PGT Ms. Anuradha Bhattacharya as HOS of the Raisina Bengali School pending outcome of representation of Mr. Subrata Sen regarding his re-employment, as an interim measure. A copy of the letter dated 10/05/2016 is hereto annexed and marked as **ANNEXURE R-5**. That as per Circular No. F.32/1/84/Gen/78/645-15094 dated 29/08/1978 issued by Directorate of Education, officiating arrangement internally may be made for a period not exceeding 90 days. That the said period of 90 days is long over and the Management Committee of the Raisina Bengali School is still not willing to appoint a regular HOS. A copy of the Circular No. F.32/1/84/Gen/78/645-15094 dated 29/08/1978 is hereto annexed and marked as **ANNEXURE R-6**.



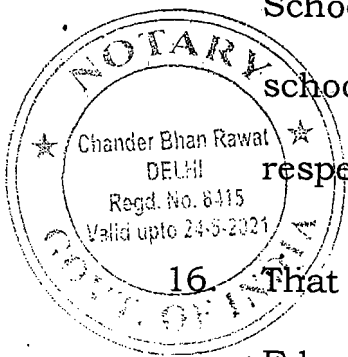
That the long vacuum pertaining to the post of Head of School has had an adverse impact on teaching and learning process and also on the administrative abilities of the Raisina Bengali School. There are a number of recognised aided schools

under the aegis of GNCTD and it was observed that many a times a situation arises, that there is no Principal or Vice Principal posted as HOS due to various reasons. That to overcome such circumstances and to create policy, in this regard the Directorate of Education had issued Circular F.No. PS/AddIDE(A)/2004/6542-6582 dated 20/09/2004. A copy of the said Circular of hereto annexed and marked as **ANNEXURE R-7.**

14. The said Circular was in conformity with the General Financial Rules 2005 more particularly in terms of Rule 2(x),(xii),(xvii) under Rule 14 of delegation financial power rules 1973 and some other related rules. And Director of Education is empowered to issued such circulars under section 24(3) with Rule 50(xviii), 192(3) &194(Form V)(Part K) (6) of DSEAR 1973.

15. That, As per the said Circular F.No. PS/AddIDE(A)/2004/6542-6582 dated 20/09/2004, concerned DDE may declare the Senior Most Teacher as School In-Charge and the principal/vice principal of nearest school be declared the Head of Office, for financial purpose in respect of such schools.

16. That this practice has been followed by the Directorate of Education in recognized aided schools. Even the Hon'ble High Court of Delhi in many cases, directed the DOE to



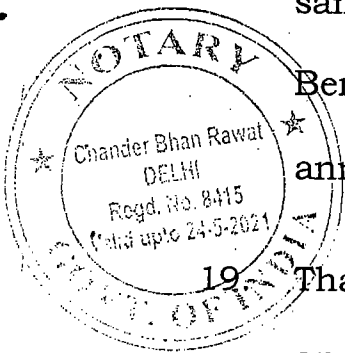
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appoint a Principal/HOS from Govt. School to some aided schools as interim arrangement.

17. That, given the reluctance of the School Management Committee to appoint a Principal or Vice Principal and also to provide any long term stable arrangement the answering Respondent No.1 vide order dated 11/04/2017 appointed Ms. Sunita Khilnani link officer/DDO/HOS for the smooth functioning of Raisina Bengali School till the appointment of regular Principal or Vice Principal, by the Managing Committee of the School. Thereafter, vide corrigendum dated 16.08.2017, Ms. Sunita Khilnani was declared as link officer/ Head of Office for financial purposes only. Therefore, no fault can be found with the impugned order dated 11/04/2017 and 16.08.2017.

18. That Raisina Bengali School has not allowed Ms. Sunita Khilnani to join the School as link officer/DDO/HOS, despite the express directions of this Hon'ble Court. The Raisina Bengali School wrote letter dated 12.07.2017 stating the same. A copy of letter dated 12.07.2017 sent by Raisina Bengali School to the Directorate of education is hereto annexed and marked as **ANNEXURE R-8**.

19. That, the present Writ Petition is therefore not maintainable and is liable to be dismissed, with exemplary cost.

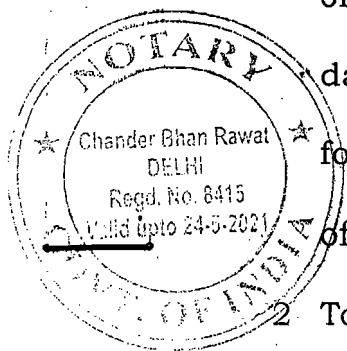


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Parawise Reply:

1. The contents of Para 1 are wholly and categorically denied as they are based on whimsical interpretations of fact and law. It is humbly submitted that the School is a recognized Aided School. Further, the salary of staff is not stopped by Respondents and the delay in disbursing salaries is due to the arbitrary and illegal stance adopted by the Petitioner Schools Managing Committee as already set out in detail hereinabove in the preliminary objections. That no violation, as alleged by the Petitioner, of any rule of Delhi School Education Act and Rules 1973 has been committed by the Respondents. In fact the School Management Committee has failed to appoint any Principal or Vice Principal, since one year for the School, despite several directions made in this regard by the answering Respondent's. A copy of such directions is here to annex and marked as **annexure R-9**. This has resulted in a situation where in the School Management Committee has failed to make any long term arrangement for appointment of DDO/HOS, resulting in the present scenario and the passing of the impugned order dated 11/04/2017 and corrigendum dated 16.08.2017 whereby the answering Respondent was forced to make interim arrangements for securing the welfare of the School, its staff, teachers and students.

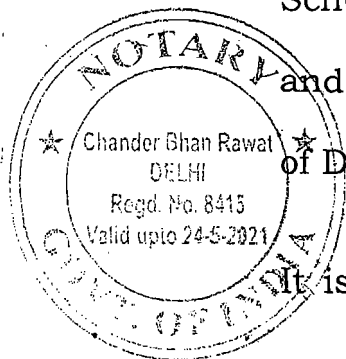
2 To 5. The contents of Para 2 to 5 are wholly and categorically denied as being false. That Mr. Nishi Sarkar has no Locus Standi and has no authority to file any proceedings



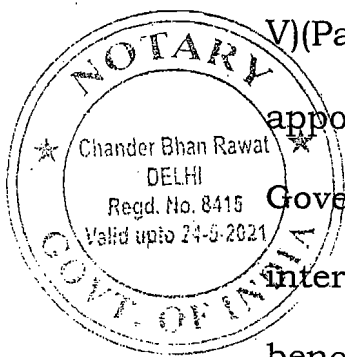
whatsoever on behalf of the Rainsina Bengali School as he is not a part of the Management or the Management Committee of Rainsina Bengali School on the date of filing of the present Writ Petition and as has been duly communicated by the said Managing Committee to the answering Respondent vide its letter date 19/07/17. That detailed objections has been taken in the preliminary objections, in this regard. That given the stand taken by the Managing Committee of the School, Mr. Nishi Sarkar's actions are questionable and seem to be driven by some collateral motives, for which he is wholly answerable to this Hon'ble Court.

It is further submitted that being the regulatory authority, it was responsibility of DOE for the welfare of students and employees to make an interim arrangement as to appoint a link officer. As the appointment of a link officer is an interim arrangement, therefore no question arise to by passing the seniority. The averment of this part of Para 3 is denied as under the provision of DSEAR, 1973, the Directorate of Education is fully empowered to act as regulatory authority. Full responsibility for non release of salaries lies upon the School Management Committee who has failed in its duties and committed serious violation of Rule 181,182,183, & 185 of DSEAR 1973.

It is humbly submitted that, Mr. Nishi Sarkar has filed the present Writ Petition with ulterior motives, as is now evident from the letter of the Managing Committee to the answering



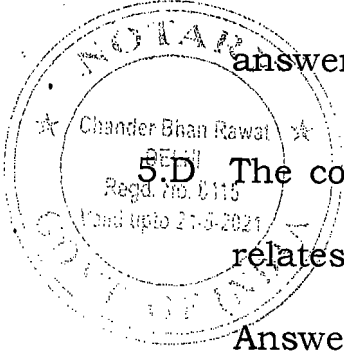
Respondent dated 19/07/17 . It is admitted that in absence of regular HOS Principal/Vice Principal, a member of staff authorized by Managing Committee had to act as HOS (procedure for payment of salaries, etc.) but this arrangement is interim and is limited to a period of 90 days as per circular No. F.32/1/84/Gen/78/645-15094 dated 24/08/1978. Beyond the 90 days period , if School Management Committee has failed to appoint a regular HOS (Principal/Vice Principal), the Dy. Director concerned may declare the senior most teacher as school incharge and Principal/Vice principal of nearest school be declared the Head of office, for financial purpose in respect of such school (Annexure R-7.) It is pertinent to note that a DDO/HOO may only be a gazetted officer under the Rule 114 of Delegation of Financial Powers Rules, 1978 and the Principal/Vice Principal in government schools acts as DDO/HOO under this rule. In the matter of Govt. Aided School Principal/Vice Principal acts as DDO/HOO/HOS. Director of Education is empowered to issue any order/circular/notification/direction under Section 24(3) and under Rule 50(xviii), Rules 192(3) & 194 (from in V)(Part K) (6) in this regard. It is therefore submitted that the appointment of a link officer /Head of Office from a Government School for the Raisina Bengali School is only an interim arrangement, made solely to secure the welfare and benefits of the School, staff, teachers and students of a head-less School, since more than one year the school management



committee failed to appoint regular Principal/ Vice Principal in accordance with the prevailing rules and procedures. Since it is a only an interim arrangement, hence question of by passing the seniority of any employee does not arise. Further , the essence of Rule 114 of Delegation of Financial Powers Rules 1978 does not permit a PGT to act as DDO/HOS.

5.A That the contents of Para 5-A are wholly and categorically denied as they are based on whimsical interpretations of law and fact. It is humbly submitted that the Retired Principal i.e. one Mr. Subrata Sen was not clear from the angle of vigilance yet the School Management Committee violated the provisions of DSEAR 1973 and other prevailing rules to allow him to work as Principal. A number of vigilance cases are pending against the said Mr. Subrata Sen including one of misappropriation before the Anti Corruption Branch of GNCTD and further a Complaint filed by the Directorate of Education is also pending before the Police Station C.R. Park regarding the embezzlement of Raisina Bengali School funds.

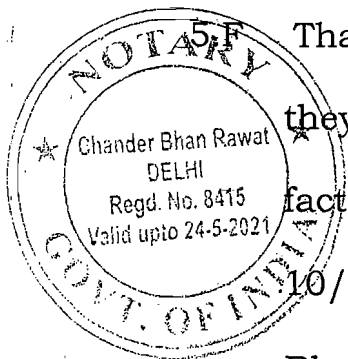
5.B&C.The contents of Para 5-B and 5-C are a matter of record and therefore do not merit any further response from the answering Respondent's.



5.D The contents of Para 5-D are a matter of record so far as it relates to the communication between the Petitioner and the Answering Respondent, the remaining averments of the Para under reply unless admitted herein are wholly denied as

being based upon whimsical interpretations of law and fact. That the utmost interest of the answering Respondent No.1 was to run the educational institution smoothly so that the student and the employee of the school may not face any difficulty! But the School Managing Committee of the School violated the Rule 181,182,183,185 of DSEAR 1973. That as per Circular No. F.32/1/84/Gen/78/645-15094 dated 29/08/1978 (ANNEXURE R-6) issued by Directorate of Education officiating arrangement internally may be made for a period not exceeding 90 days. That the said period of 90 days is long gone and the Management Committee of the Raisina Bengali School is still not willing to appoint a Principal/ Vice-Principal/ HOS.

5.E That the contents of Para 5-E are wholly denied as they are based upon complete falsehood and nothing was done by the answering Respondent's in violation of the Delhi School Education Act and Rules 1973. The present ground also has no relevance with respect to the scope of the present Writ Petition.

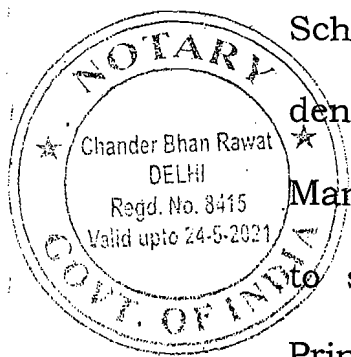


That the contents of Para 5-F are denied to the extent that they are based upon whimsical interpretations of law and fact. It is obvious from a bare reading of the office order dated 10/05/2016 that the appointment of Ms. Anuradha Bhattacharya Sr. most PGT, as HOS was an interim measure " ...till disposal of the representation of re-consideration for

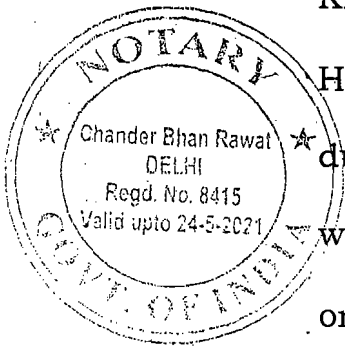
re-employment of Mr. Subrata Sen...". The said appointment would also fail upon completion of 90 days in terms of the averments set out herein above.

5.G That the contents of Para 5-G are denied to the extent that they are based upon whimsical interpretations of law and fact. It is humbly submitted that the averment contained in the Para under reply do not pertain to the present Writ Petition. However it is pertinent to note that the School Managing Committee has failed to appoint a regular HOS or Principal or Vice Principal.

5.H-J. That the contents of Para 5 H-J are wholly and categorically denied as they are based upon whimsical interpretations of law and fact and made solely with the intention of misleading this Hon'ble Court. It is correct that vide order dated 11/04/2017 and subsequent corrigendum dated 16.08.2017 the answering Respondent appointed Smt. Sunita Khilani as the link officer/ Head of Office for the Petitioner School, however, the factual scenario described by the Petitioner School leading to this appointment is wholly and categorically denied. It is pertinent to mention herein that the School Management Committee has purposely concealed and failed to show any cause as to why they did not appoint any Principal/ Vice Principal for the school despite one year having passed from the date of retirement of Mr. Subrata Sen. The School Managing Committee further had no cause to



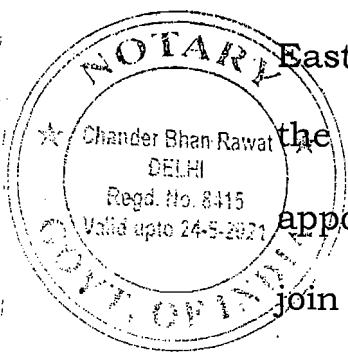
delay such an appointment given the fact that Mr. Subrata Sen, was unable to get any relief qua his status vis-a-vis the School from this Hon'ble Court and that even Review Petitions No. 479/2016 in WP(C) 7825/2016 and 484/2016 in WPC 7854/2016 has been disposed off on 03/11/16 and Petitioner as well as Mr. Subrata Sen could not get any order in favour of them from this Hon'ble Court. It is pertinent to note that in the light of own version of Petitioner as annexure P-8 that Ms. Anuradha Bhattacharya appointment was only an interim measure till the disposal of the representation of Mr. Subrata Sen for re-employment. Therefore, the Dy. DDE Zone-29 rightly communicated the rule position to the School Management Committee. The School Management Committee instead of following the law of the land; at every step has been eager to confront the answering Respondent and has violated Rule 181,182,183 and 185 among others of DSEAR 1973. In fact the School Management Committee by its own admission in Para 5-L has admitted to having obstructed the joining of the answering Respondent's Head of Office Smt. Sunita Khilnani, without cause, thus leaving the School without an HOS resulting in the situation relating to non-clearance of dues to the School employees. It is pertinent to note that without organizing DAC/DPC for appointing a Vice Principal or Principal for school, the management was interested only in temporary arrangements thus toying with the interests of the school, its students and employees. The answering



Respondent is fully empowered to appoint a link officer to handle financial matter of school, as has been set out in the preceding Para's to this reply.

5.K & L. That the contents of Para 5- K and L to the extent that they are matter of record require no further response from the answering Respondent. However, it is re-iterated and further clarified that it is in fact the Petitioner who has committed grave violation(s) of the orders of the DOE and furthermore violated the law in general and in particular Sections 24(3) & Rule 50(xviii), 181, 192(3)&193(form V)(Part k) (6) of DSEAR 1973.

5.N That the contents of Para 5-N are wholly and categorically denied, as they are based on complete falsehood. It is humbly submitted that the salaries for the month of April 2017 have been processed on 12.07.2017 and bills for the month of May and June have been submitted by the Petitioner School only on 02.08.2017 after repeated reminders to the school and now are under process at the office of Dy. Director of South East. It is also not out of context to state herein that despite the express orders of this Hon'ble Court 07/07/2017 the appointee of the answering Respondent was not permitted to join as DDO/HOO, thus delaying the submission and clearance of bills. Thus the conduct of the School Management Committee is highly suspect.

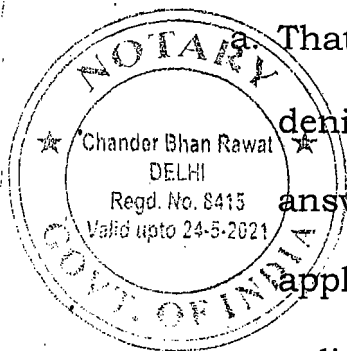


5.O That the contents of Para 5-O are beyond the knowledge of the answering Respondent's. However, it is pertinent to state that the present situation has arisen as the Petitioner schools School Managing Committee wants Mr. Subrata Roy back in-charge in-spite of his record and the seriousness of the charges against him. A number of vigilance cases are pending against the said Mr. Subrata Sen including one of misappropriation before the Anti Corruption Branch of GNCTD and further a Complaint is also pending before the Police Station C.R. Park regarding the embezzlement of Raisina Bengali School funds.

5.P That the contents of Para P are wholly and categorically denied, as the Petitioner is not authorized to file any Writ Petition in any Court of law or act or plead on behalf of Raisina Bengali School. The Petitioner Schools own express admission in this regard has already been communicated to the answering Respondent vide letter dated 19/07/17 (Annexure R-2).

REPLY TO GROUNDS:

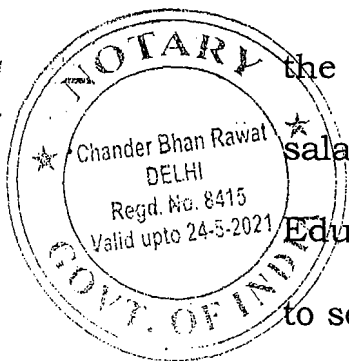
That the contents of Ground A are wholly and categorically denied, as they are based on complete falsehood. The answering Respondents have not committed any breach of applicable law or otherwise acted in derogation of accepted policy norms of the Directorate of Education. In fact it is the wrong doings committed by the School Management



is only an interim arrangement under the Circular No. F. 32/1/84/Gen/78/645-15094 dated 24/08/1978 and F. No.PS/DE(A)/2004/6542-6582 dated 20/09/2004 with Rule 114 of Delegation of Financial Powers Rules and Section 24(3) with Rule 50(xviii), 192(3), & 194(Form V) (Part k) (6) of DSEAR 1973.

F. The contents of Grounds F are wholly and categorically denied as they are based on falsehood. The ground is denied, the Petitioner School is a recognized Aided School and violated the provisions of Rule 126 of DSEAR-1973 and the Directorate of Education provided an interim arrangement for the benefit of the teacher and staff of the school for disbursement of their salaries and allowances.

G&H. The contents of Grounds G and H are wholly and categorically denied as they are based on complete falsehood. Litigation with respect to the ongoing Writ Petitions have no bearing on release of salaries of the persons on Roll of the school and the Management has itself created a situation by not having an administrative head and by non-submission of the receipts and relevant bills and documents for release of salaries. It is pertinent to note that the Directorate of Education has been writing letter to Raisana Bengali School to send them the relevant receipts and the School with its non compliance is playing with the education system and lives of the students enrolled in the said School and Directorate of



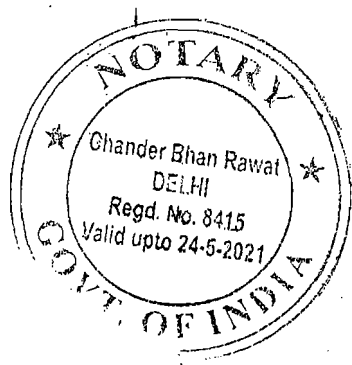
Education being a regulatory authority must step in to protect the students, the education standards and teachers teaching at the School.

7&8. The contents of Paragraph No. 7 and 8 are denied for want of knowledge.

9. The contents of Paragraph 9 are denied, the Writ Petition is not maintainable as Mr. Nishi Sarkar has no relationship with Raisina Bengali School and has no *locus standi* to file the present Writ Petition.

Prayer

The contents of Prayer Clause are denied as they are based on whimsical interpretation of law and facts and essentially bring out the real and sole intention of the Mr. Nishi Sarkar, who has no *locus standi* to file the present Writ Petition and hence the petition is liable to be dismissed with heavy cost in favour of the answering respondents.




DEPONENT

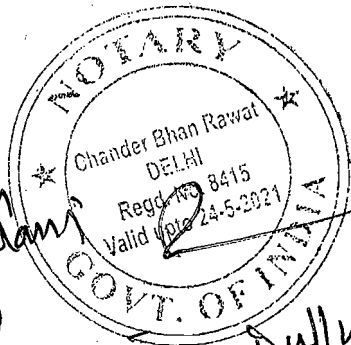
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VERIFICATION:

Verified on this day of **19 AUG 2017** August, 2017 that the contents of my above Reply are true and correct to my knowledge, as per official record, no part of it is false and nothing relevant has been concealed there from.

[Signature]
I Identified the deponent who has Signed / put in my presence.

18 AUG 2017



[Signature]
DEPONENT

CERTIFIED THAT THE DEPONENT
Shri/Smt/Km. *Sumi Kaur*
S/o. W/o, D/o *W/OAL - Daya*
Identified by *Chandani*
has solemnly affirmed before me at *Delhi*
on *19/8/17* at Si. No. *1366*
that the contents of the affidavit which has
been read and explained to him are true
and correct to his knowledge.

[Signature]
CHANDER BHAN RAWAT
Notary Public, Delhi

Sh. Sachant Dullu
Ash

~~RAISINA BENGALI SCHOOL SOCIETY~~
RAISINA BENGALI SCHOOL SOCIETY
(Registered under the Societies Act XXI of 1929)
MANDIR MARG, NEW DELHI - 110001

RBSS/GB/2017-2018/339

Dated: 03-07-2017

Sh Nishi Sarkar

Vice President, GB

Raisina Bengali School Society

Mandir Marg, N. Delhi-110001

Sub: w.r.t. Membership FORFEITED for not attending three consecutive GB Meetings

Sir,

Subject cited above, I am hereby directed to inform you that your Membership (as GUARDIAN) has been FORFEITED as you have not attended three consecutive ordinary meetings of the Governing Body dated 18.03.2017, 15.06.2017 & 01.07.2017 respectively, without assigning any reason in advance, thus under Fundamental Rule 19 of the Constitution, you, henceforth, CEASE to be a Member of the Governing Body.

Further it was unanimously resolved in the Meeting of the Governing Body dated 01.07.2017, as per following resolution:

*Just after the commencement of the Meeting, the Secretary-Manager brought into a very serious matter for the knowledge of the GB Members that Sh Nishi Sarkar, Vice President-cum-Vice Chairman, Sh Prahlad Sardar, GB Member & Ms Sunita Sharda, Teachers Representative, C R Park School, these THREE GB Members have failed to attend THREE consecutive ordinary meetings of the Governing Body, dates are 18.03.2017, 15.06.2017 & 01.07.2017 respectively, without assigning any reason in advance, thus hereby is liable to FORFEIT their Membership of the School Society as per the Fundamental Rule 19 of the Constitution of the Society. The House unanimously confirmed the FR position of the Constitution and resolved to take suitable action for FORFEITING their Membership (as GUARDIAN). Further the Secretary-Manager was directed to issue letters to the concerned Members for their knowledge & perusal".

Jamunaji Das
Secretary Manager
Raisina Bengali School Society
Mandir Marg, New Delhi-01

MANDIR MARG, NEW DELHI-110001 TEL.: 27363267, 23363594
CHITTARANJAN PARK, NEW DELHI-110019, TEL.: 26270463, 26274284 TELEFAX : 91-11-26270192

Time 2/17

177/c

RAISINA BENGALI SCHOOL SOCIETY
(Registered under the Societies Act XXI of 1860)
MANDIR MARG, NEW DELHI - 110001

13/13
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Now, therefore, the Governing Body (GB) after taking into account of the entire misconduct of Sh Nishi Sarkar, Vice President Governing Body, resolved unanimously to FORFEIT his Membership with immediate effect from holding the post of Vice President-cum-Vice Chairman GB/School Managing Committee and also direct him not to enter into any of the school premises (Mandir Marg & Chittaranjan Park) in the capacity of Vice President or GB Member. Further, he is directed to deposit all school related documents if any lying under his custody viz. letterheads, school stamp, files or any other materials pertaining to school, in the GB Office, Mandir Marg, immediately and finally he shall not execute any Administrative or Financial transaction/s on behalf of school Society/Management.

- ① Nishi Sarkar
- ② The HOS CR Park
- ③ Mr. P. Sardar
- ④ Sonita Sharda

Janmejy Das
(Janmejy Das) 23/03/17

Secretary-Manager, GB

Raisina Bengali School Society,

Mandir Marg,

N Delhi-110001

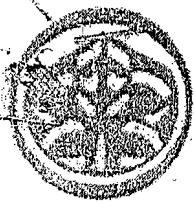
Recd & Read Letter on 03-7-17
A.K.S

Copy forwarded for necessary information and action to the following:

- 1. All other GB Members
- 2. All other SMC Members of Mandir Marg & C R Park school
- 3. RTE Members, Mandir Marg & C R Park, N Delhi.
- 4. SHO, Mandir Marg & Chittaranjan Park, N Delhi
- 5. Directorate of Education, respective Districts & Zones
- 6. All respective Banks
- 7. Registrar, Society Office, Delhi
- 8. Office Guard file.

Secretary Manager
Raisina Bengali School Society
Mandir Marg, New Delhi-01

Janmejy Das



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RAISINA BENGALI SCHOOL SOCIETY
[Registered under the Societies Act XXI of 1860]
MANDIR MARG, NEW DELHI - 110001

ANNEXURE-R/2

MOST URGENT

Dated: 19-07-2017

RBSS/GB/2017-2018/391-392

Dy Director of Education
Directorate of Education
Dist: South-East Zone S-29
Defence Colony
New Delhi

Sub: Filing of an Application/Civil Suit in the Hon'ble High Court, Delhi, by an UNAUTHORISED person named SH NISHI SARKAR, of Raisina Bengali School, C R Park, ND (ID: 1925198).

Sir,

Reference above subject, the undersigned has come to know from Sh Chinmay Sarkar, LDC, Raisina Bengali School, C R Park, ND, that Sh Nishi Sarkar, a self claimed Acting Chairman of the School Managing Committee, had filed an application in Hon'ble Delhi High Court w.r.t. some official issues against the Directorate of Education, Delhi

This makes the undersigned quite perplexed as because the name which has been mentioned in the application as Plaintiff is completely FAKE & FALSE. The person, named Sh Nishi Sarkar, is neither holding any official post of Acting Chairman nor had any locus standi in the affairs of School Managing Committee.

Contd...

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RAISINA BENGALI SCHOOL SOCIETY
[Registered under the Societies Act XXI of 1860]
MANDIR MARG, NEW DELHI - 110001

-2-

My sole contention w.r.t above is as follows:

That in the said application the person who has claimed himself a self made Acting Chairman of the School Managing Committee (SMC) had already been FORFIETED his membership as the VICE PRESIDENT by violating the scheduled norms of the School CONSTITUTION & CEASED his membership w.e.f 01.07.2017 from the constituent of the Governing Body (GB), the APEX BODY OF THE SOCIETY (Copy enclosed).

That, above all, he had never been APPROVED OR CONFIRMED by the GOVERNING BODY to hold the post of Acting Chairman in SMC of Chittaranjan Park School, so POSING OR CLAIMING himself as the Acting Chairman of the School Managing Committee(SMC) is nothing but FALSIFICATION OF FACT before the COURT OF LAW.

In the light of above, to the best of my knowledge & as per available documents in GB office, I, being the Secretary-Manager of the Society-GB, submit here that Sh Nishi Sarkar is not an AUTHORISED person to act as an Acting Chairman of the School Managing Committee (SMC) and hence, request you to not consider him as a BONAFIDE person of the School Managing Committee in any future School activities.

Kindly acknowledge receipt.

Thanking you,

Yours sincerely,

Janmejay Das
(Janmejay Das) 19/7/17

Secretary-Manager, GB

Raisina Bengali School Society,

Mandir Marg, N Delhi-110001

End. 13 pages

Copy to: 1. Education Office, Zone 26/29,

2. Sh Tanveer Alam, o/o Dte. of Edn. Defence Colony, ND.

Secretary Manager
Raisina Bengali School Society
Mandir Marg, New Delhi-01

Tanveer Alam

PROCEDURE FOR PAYMENT OF
SALARIES ETC.¹

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Delhi Administration in Exercise of the Powers conferred by rule 126 of the Delhi School Education Rules, 1973, made the following procedure.

(1) for payment of pay and allowances, pension and gratuity reimbursement of medical bills, accounting of provident fund and payment of other allowances to the employees of the aided schools; and

(2) for the deposits by the managing committees of recognised aided schools of their share of the pay and allowances, pension, gratuity:—

2. This procedure shall come into force on 29th day of October, 1974.

PROCEDURE

1. **School Staff Account.**—(i) The Managing Committee of the school shall open, apart from the School Fund Account, an account to be called "School Staff Account" in a nationalised or a Scheduled Bank or Post Office. The School Staff Account shall consist of share of the Managing Committee and grant-in-aid of the Government, in relation to:—

- (a) pay and allowances;
- (b) medical facilities;
- (c) pension;
- (d) gratuity;
- (e) provident fund;
- (f) other prescribed benefits;

(ii) Fees and fines and other receipts in relation to pay and other allowances whatsoever.

(2) The School Staff Account shall be operated jointly by the:—

- (i) Head of the School or in his absence by a member of the staff authorised by the Managing Committee to act as Head of the School; and
- (ii) Director of Education or any other officer authorised by him in this behalf.

(3) The pay and allowances shall be disbursed from the School Staff Account by the 7th of the month following that to which they relate.

2. **Deposits.**—The Managing Committee of the School shall deposit in advance in the School Staff Account:—

Upto 15th day of the preceding month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits. The share of the Managing Committee shall be computed on the basis of monthly approved expenditure reduced by the amount of grant and the estimated income in account of fees, fines and other receipts. The amount to be deposited by the Managing Committee each month shall be provisionally determined on the basis of average monthly figures in the preceding quarter. The adjustment shall be made at the time of finalisation of account of that year.

1. Published in the Delhi Gazette, Part IV, dated 29-10-1974.

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3. Pay and Allowances.—(1) Every aided school shall apply for grant-in-aid in Form II appended to the Rules to the Director every quarter by 5th March, 5th June, 5th September, and 5th December on the basis of the actual expenditure incurred by it on account of pay and allowances and other additional benefits conferred upon it by the Act or the Rules during quarter. The advance grant shall be assessed and released accordingly. The school shall also submit its monthly bills for pay and allowances, etc. in the form in use in Government Schools, every month.

(2) The arrears, if any, shall be claimed separately in Form II alongwith 'due and drawn statement' and other relevant documents. Form II shall be accompanied by the following certificates:—

- (i) The management has deposited his share for pay and allowances, etc. claimed in Form II.
- (ii) The travelling allowance and medical bills have been got countersigned by the Competent Authority and the expenditure does not exceed the allotment of funds placed at the disposal of the schools.
- (iii) Necessary documents in respect of tuition fee and Children Education Allowance has been obtained and kept on record.

(3) The monthly and supplementary bills received by the Director or any other officer authorised by him in the behalf shall be returned to the head of schools after checking countersignature by the officer authorised by the Director for arranging payment to its employees.

(4) On receipt of the cheque of grant-in-aid from the Director, the Manager shall deposit the cheque in the School Staff Account immediately. The Head of the School shall disburse the monthly salary and other payments due to each employee through crossed cheques. The date of payment of salary shall be intimated to the Education Officer and Accounts Officer concerned every month. The Education Officer concerned shall ensure that the disbursement of pay and allowances is made in time without any difficulty.

4. Suspension of Grant.—In case the Managing Committee of any School fails to deposit its share by the date prescribed in para 2 in the manner laid down therein, the Administrator, shall forthwith, apart from taking any other action, suspend the grant-in-aid of the school and may disburse or cause to be disbursed, pay and allowances through his officers, directly to the employees of the school.

5. Imprest.—An imprest amounting of Rs. 100 in the case of school where the student on roll are upto 1000 and Rs. 200 where the number exceeds 1000 may be placed at the disposal of head of the school by the Managing Committee of the school, if necessary, to meet day-to-day petty expenses.

6. Children Education Allowance.—(1) The Children Education Allowance shall be admissible to the employees of the aided schools with the approval of the Competent Authority as in the case of Government Schools and according to the rules and orders applicable to the employees of similar categories of Delhi Administration. The employee drawing the Children Education Allowance shall apply in the form prescribed by the Government from time-to-time in respect of their employees duly supported by a Certificate from the school in the form prescribed for the purpose by the Government which will be countersigned by the Education Officer concerned where the child studying. This certificate shall be submitted along with the first claim and then in July every year.

(2) After scrutiny of the claim a sanction shall be issued on preferring on the first claim and at beginning of each academic year when the child comes to the new

Time up

class. The amount so sanctioned shall be claimed in the monthly form to pay bill. A copy of the sanction will also be attached with the bill.

(3) Children Education Allowance register shall also be maintained in the following manner:—

Sl. No.	Name of the Employees	Date of Appointment	Pay of the Employee
1	2	3	4

Name of the child & class in which studying	Date of Birth	Rate of children Education allowance admissible	Period for which claimed	Signature of head of the school
5	6	7	8	9

7. Tuition Fees.—(1) Free Education or re-imburement of tuition fee as payable by Delhi Administration to its employees shall be admissible to the employees of aided schools according to the rules and orders applicable to the employees of similar categories of Delhi Administration and with the approval of the Competent Authority.

(2) The employees claiming re-imburement shall apply in the prescribed form. He shall also furnish a certificate from Head of school in the form prescribed by the Government from time-to-time, at the time of preferring the initial claim and subsequently at the beginning and in the middle of each academic year or when the child is transferred from one school to another. After necessary scrutiny of the initial claim the amount of the tuition fee shall be claimed monthly in pay bill form.

8. Re-imburement of Medical Charges.—(1) The employees of the aided schools shall be entitled to the re-imburement of medical expenses incurred in connection with medical attendance and treatment of employees and their families with the approval of the competent authority and in accordance with the provisions of the Central Services (Medical Attendance) Rules, 1944 as amended from time-to-time and the rules and orders issued on the subject by the Government. For purposes of these rules, the authorised medical attendants shall be the same as declared for the similar categories of the Delhi Administration.

(2) The employees shall prefer the claim in the prescribed form duly supported by the prescription slip, essentiality certificate and cash memo of the medicines purchased, duly signed and verified by the authorised medical attendant. After necessary scrutiny by head of the school, a bill shall be drawn in the form prescribed by the Government from time-to-time and entered in the Medical Bill Register to be maintained for the purpose. The bill along with the list of medicines and documents submitted by the claimant shall thereafter be forwarded to the Director for counter-signature and return to the respective schools. The claim of head of the school shall be prepared in the prescribed form and submitted to the Director alongwith the relevant document for counter-signature.

(3) After receipt of the bill from the Director the school claim the grant separately in the form prescribed by the Government from time-to-time. The medical expenditure

True copy

30

to be claimed shall not exceed the allotment of funds placed at the disposal of the school by the Director from time-to-time. The procedure for disbursement shall be the same as in the case of pay and allowances.

9. Travelling Allowance and Leave Travel Concession.—(1) The Travelling Allowance and Leave Travel Concession will be admissible to the employees of the aided schools with the approval of the competent authority and according to the provisions prescribed for the employees of Delhi Administration for similar categories. The employees shall prefer the claim in the form prescribed by the Government from time-to-time. The head of school shall verify the claim for journeys, and forward the bill to the Director for counter signature and return. The claim of head of the school shall be submitted to the Director.

(2) After receipt of the bill, the school shall include these claims quarterly in Form II appended to the rules. The amount claimed shall not exceed the allotment of funds placed at the disposal of the school by the Director from time-to-time. The procedure for disbursement shall be the same as in the case of pay and allowances.

10. Pension Gratuity and General Provident Fund.—(1) The employees of the aided schools shall be entitled to pension and gratuity with the approval of the competent authority and in accordance with the provisions applicable to the employees of similar categories of Delhi Administration under existing pension rules. This rule shall be applicable to the employees of the aided schools who are appointed on and after the date of commencement of the Act and also to the existing employees if they opt for it within the stipulated period. The instructions relating to finalisation of pension and gratuity and disbursement thereof will be issued separately by the Directors.

(2) The share of the management towards pension and gratuity shall be determined according to the instructions issued by the Director from time-to-time.

(3) The General Provident Fund account of the employees who would contribute to it shall be kept in a Nationalised or a Scheduled Bank or Post Office and shall be maintained in the school according to the instructions issued by the Director from time-to-time.

11. Contributory Provident Fund Triple Benefit Scheme.—The existing employees of aided schools, who opt to remain under Contributory Provident Fund or Triple Benefit Scheme will be governed according to the rules and instructions in force on the subject immediately before the commencement of the Rules. The Provident Fund accounts shall continue to be maintained as at present.

12. Annual Assessment.—Every aided school shall submit all relevant documents to the Director as required under rule 32 of the Rules, for annual assessment of the grant.

13. Accounting and Audit checks.—Necessary checks would be conducted through internal audit and the Director shall ensure that the accounts maintained by the schools are proper and correct.

True copy

ANNEXURE R/19
32

REMINDER-I

OFFICE OF THE DY. DIRECTOR OF EDUCATION
DISTT. SOUTH EAST DEFENCE COLONY, NEW DELHI

NO.DDE-ZONE-29/2017-18/608

Dated:- 19.07.2017

To

The Manager,
Rajina Bengali Sr. Sec. School (Aided),
C R Park, New Delhi-110019.

Sub:- Regarding order of Hon'ble High Court in the matter W.P. (C) 5431/2017.

Sir,

Please refer to this office letter dt. 14.07.2017 on the above noted subject in r/o order of Hon'ble high Court in writ petition bearing No. W.P. (C) 5431/2017 wherein the respondent No. 5, undersigned has been permitted to sign the salary bills for the month of May & June, 2017 for onward submission of the to the respondent no. 4 and accordingly you were directed to submit the salary bills of the staff of the school for the month of May & June, 2017 immediately. But nothing has been heard about the same till date.

You are, therefore, once again directed to submit the salary bills of the staff of the school for the month of May & June, 2017 immediately after proper verification in all respect along with the certificate that same has been checked and found in order.

Being a court matter, this may be treated as MOST URGENT and be given "TOP PRIORITY"

Yours sincerely,

[Signature]
19/7/17

(SUNITA KHILNANI)

DEO/Zone-29

Dy. Education Officer
Zone-29, Distt. South-East
Dte. of Education
C-Block, Defence Colony,
New Delhi -110 024

seen,
21/07/2017

H.O.S / Office

Noted,
21/7/17

[Signature]
True Copy

RAISINA BENGALI SCHOOL

An Aided Senior Secondary Institution of
DTE. OF EDUCATION, GOVT. OF N.C.T. OF DELHI
School Id : 1925198 CBSE School No. : 61831



Estd. 1988

OFFICE ORDER

CHITTARANJAN
NEW DELHI
PHONE : 91-11-26270-
91-11-26274284(P)

Ref. :

33 Date: 10.05.16

ANNEXURE-R/S

SUB.: "Charge of Head of School"

Consequent upon a representation regarding re-employment in service in respect of Mr. Subrata Sen, Principal/ Retd. having been submitted to the O/o R.D.E. (South), Dte. of Education, G.N.C.T.D. for re-consideration in compliance with the direction, dated 02.05.2016 passed by the Hon'ble Delhi High Court while disposing off W.P. (C) No. 3664/2016 and subsequent School Managing Committee (S.M.C.) Resolution, adopted in its meeting held on 10.05.2016; the charge of Head of School is hereby entrusted to MS. ANURADHA BHATTACHARYA, P.G.T./ EID 19907776 as an interim measure with immediate effect till disposal of the representation of re-consideration for re-employment of Mr. Subrata Sen, Principal/ Retd. by the R.D.E. (South).

A copy of the specimen signature sheet of MS. ANURADHA BHATTACHARYA, P.G.T. duly attested by the undersigned and the Chairman, S.M.C. is attached herewith.

(SUKUMAR BISWAS)
MANAGER, S.M.C

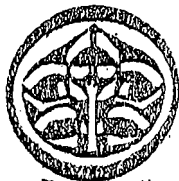
REF.: RBS/CR/2016/ 310-311, Dated 10.5.2016

Copy forwarded for necessary information & action to,

1. Chairman, School Managing Committee
2. Secretary- Manager, G.B., Raisina Bengali School Society, Mandir Marg, N.D.
3. D.D.E., Z-29, O/o D.D.E. (South East), Dte. of Edn., GNCTD, Defence Colony, N.D.
4. A.O./ D.D.O., Accounts Br., O/o D.D. (South East), Defence Colony, N.D. 24
5. R.O. (Delhi), C.B.S.E.: R.O.D., PS 1-1, Instil. Area, Patparganj, Delhi-92.
6. C.C.M., Northern Railway, New Delhi Railway Station, New Delhi (A/C No. R-19)
7. Manager (Tr.) HQ, D.T.C., Scindia House, New Delhi (School Code 10513)
8. Mr. Subrata Sen, Principal/ Retd.
9. Ms. Anuradha Bhattacharya, P.G.T.
10. School Office/ Management Office
11. Exam. Br./ Time Table Arrangement I/C/ Tr. I/C (P.D.)
12. Guard File (Office Order)

(SUKUMAR BISWA)
MANAGER, S.M.

True Copy



Estd. 1988

Ref. :

Date : 10.05.2016 34


**SPECIMEN SIGNATURE SHEET OF MS. ANURADHA BHATTACHARYA, P.G.T.
NOMINATED AS HEAD OF SCHOOL VIDE S.M.C. RESOLUTION, DATED 10.05.2016
(DULY ATTESTED)**


SPECIMEN SIGNATURE:

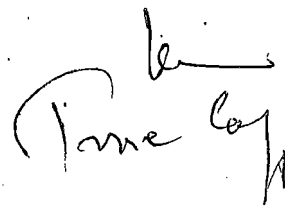
1. ABhattacharya
2. ABhattacharya
3. ABhattacharya

(ANURADHA BHATTACHARYA, P.G.T./ HEAD OF SCHOOL)

SIGN. ATTESTED:


(SUKUMAR BISWAS)
MANAGER, S.M.C.


(ASHISH KUMAR HALDER)
CHAIRMAN, S.M.C.


True copy

35
Annexure P-

RAISINA BENGALI SCHOOL
An Aided Senior Secondary Institution of
DTE. of EDUCATION GOVT OF NCT OF DELHI
CHITTARANJAN PARK, NEW DELHI -110019
PHONE:91-11-26270463/0192
Email:rbscrps@yaho.co.in
website:www.raisinabengalishool.org

Dated 10.05.2016

OFFICE ORDER

SUB.: "Charge of Head of School"

Consequent upon a representation regarding re-employment in service in respect of Mr. Subrata Sen, Principal/ Retd, having been submitted to the O/o R.D.E. (South), Dte. of Education, G.N.C.T.D. for re-consideration in compliance with the direction, dated 02.05.2016 passed by the Hon'ble Delhi High Court while disposing off W.P. (C) No. 3664/ 2016 and subsequent School Managing Committee (S.M.C.) Resolution, adopted in its meeting held on 10.05.2016; the charge of Head of School is hereby entrusted to MS. ANURADHA BHATTACHARYA, P.G.T./ EID 19907776 as an interim measure with immediate effect till disposal of the representation of re-consideration for re-employment of Mr. Subrata Sen, Principal/ Retd, by the R.D.E. (South).

A copy of the specimen signature sheet of MS. ANURADHA BHATTACHARYA, P.G.T. duly attested by the undersigned and the Chairman, S.M.C. is attached herewith.

(SUKUMAR BISWAS)
MANAGER, S.M.C.

REF.: RBS/CR/2016/300-311 Dated 10.05.2016

Typed Copy

Copy forwarded for necessary information & action to,

1. Chairman, School Managing Committee
2. Secretary- Manager, G.B., Raisina Bengali School Society, Mandir Marg, N.D.
3. D.D.E., Z-29, O/o D.D.E. (South East), Dte. of Edn., GNCTD, Defence Colony, N.D.
4. AO / D.D.O., Accounts Br.. O/o D.DT Defence Colony, N.D. 24.
5. R.O. (Delhi), C.B.S.E.: R.O.D., PS 1- Insttl. Area, Patparganj, Delhi-92
6. CCM, Northern Railway, New Delhi Railway Station, New Delhi (A/C No. R-19)
7. Manager(Tr.) HQ, D.T.C., Scindia House New Delhi (School Code 10513)
8. Mr. Subrata Sen, Principal/Retd
9. Ms. Anuradha Bhattacharya, PG
10. School Office/Management Office
11. Exam Br./Time Table Arrangement I/C/Tr./C (PD)
12. Guard File (Office Order)

Sukumar Biswas
Manager, SMC

Specimen Signature Sheet of Ms. Anuradha Bhattacharya, PGT,
Nominated as Head of School vide SMC Resolution, Dated

25/07/2016
(Attested)

1. sd /- (illegible)
2. Sd/- (illegible)
3. sd /- (illegible)

ANURADHA BHATTACHARYA, PGT/ HEAD OF SCHOOL
SIGN ATTESTED

(SUKUMAR BISWAS)
MANAGER, SMC.

(ASHISH KUMAR HALDER)
CHAIRMAN, SMC

//True Copy//

Typed Copy

Instructions Regarding Officiating Arrangement of Principals/Headmasters

In supersession of all the earlier instructions issued by the Directorate of Education on the subject, I am directed to say that with the coming into force of the Delhi School Education Act and Rules framed thereunder with effect from 31.12.1973, the service conditions of employees of Aided Schools have been brought at par

with those working in Government Schools. As per standing instructions from the Government of India, steps are required to be taken for filling up regular vacancies most expeditiously. In the event of a vacancy likely to be caused by retirement or caused by resignation, advance action must be taken to fill up the vacancy on regular basis in time so that time lag is reduced to the minimum for filling up the vacancies on regular basis. However, there can arise unforeseen and unavoidable circumstances whether due to the sudden demise of the incumbent of the post of Principal/Head of the School or due to any other unforeseeable eventuality where the post of Principal/Head of the School might fall vacant. To meet these unforeseen and unavoidable circumstances, officiating arrangements internally may be made for a period not exceeding 90 days. Officiating arrangements are not permissible in the case of a vacancy for a period less than 33 days. The grant of pay and allowances during the period of officiating arrangements shall, however be governed by Fundamental Rule 49 read with instructions and decisions in this regard from time to time

(GNCT, Dte. of Edn., No. F.32/1/84/Gen./78/645-15094, dt. 24.8.1978)

Praveen Goyal

ANNEXURE/R/7

37

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION : OLD SECRETARIAT : DELHI

F. No. PS/Addl DE(A)/2004/ 6512-6582
C I R C U L A R

Dated:- 20.9.04

Consequent upon transfer of Principals/V Principals, retirement of existing Head of Offices or any other reason, certain schools have been rendered headless. In order to ensure smooth functioning of such schools it has been decided that the concerned Dy. Director of Education may declare the senior most teacher as School In-charge and the Principal/Vice Principal of the nearest school be declared the Head of Office, for financial purpose, in respect of such schools.

Gitanjali G Kundra
20/9/04

(GITANJALI G KUNDRA)
Addl Director of Education (Admn)

Copy forwarded to :-

1. PS to Secretary (Education), Old Sectt, Delhi.
2. PS to Director of Education, Old Sectt, Delhi.
3. PS to Addl Director of Education, Old Sectt, Delhi.
4. All Regional Director of Education.
5. All Dy Director of Education.
6. All Education Officer/Dy Education Officer.
7. Guard file.

Gitanjali G Kundra

(GITANJALI G KUNDRA)
Addl Director of Education (Admn)

True copy

ANNEXURE-R/1

RAISINA BENGALI SCHOOL

An Aided Senior Secondary Institution of
DTE. OF EDUCATION, GOVT. OF N.C.T. OF DELHI
School Id : 1925198 CBSE School No. : 61831



CHITTARANJAN PARK
NEW DELHI - 110019
PHONE : 91-11-26270463/0192
91-11-26274284 (Primary)

Ref. :RBS/CR/2017/.....²²⁹

Date : 12-7-2017

"URGENT" 40

**THE DY. DIRECTOR OF EDUCATION
ZONE-29, DISTT. SOUTH EAST
DTE. OF EDUCATION: G.N.C.T.D.
DEFENCE COLONY: NEW DELHI - 24**

**SUB.: "Interim Order, Dated 07.07.2017 of Hon'ble Delhi High Court in W.P. (C) No.
5431/2017 - RAISINA BENGALI SCHOOL Vs. GOVT. OF NCT OF DELHI & ORS."**

Sir,

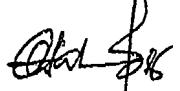
With reference to the cited Court Order (copy enclosed), you may kindly note that the role and function of Respondent No. 5, Ms. Sunita Khilnani, Principal, G.G.S.S., J.J. Colony, Madanpur Khadar, New Delhi have clearly been specified and defined in the afore-mentioned Order of the Hon'ble Court till next date of hearing, i.e., 10.08.2017. In accordance with the Order, the school authority will be forwarding the salary bills of May and June, 2017 for her signature once the pending salary for April, 2017 is released by the Dte. of Education.

However, to our surprise, Ms. Sunita Khilnani, accompanied by your good self and some other officers of the Dte. of Education has come to the school today, i.e., 12.07.2017 (FORENOON) to join as Link Officer HOS/ DDO of the school. This is contrary to the Interim order, dated 07.07.2017 of the Hon'ble High Court, since the issue whether Ms. Sunita Khilnani could have been appointed as Link Officer HOS/ DDO is yet to be decided by the Hon'ble Court as per the same Order. So, you are requested to adhere to the Interim Order of the Hon'ble Court in letter and spirit and act accordingly.

Please acknowledge and oblige.


Yours sincerely,

Encl.: As above


(ASHISH KUMAR HALDER)
CHAIRMAN, S.M.C.

*10% allowed
0 pms link
12/7/17*

Ref RBS/CR/2017/ ²²⁹ , Date 12-7-2017
Copy to, *for the purpose of processing salary bills of May & June 2017*
Ms. Sunita Khilnani, Principal, G.G.S.S., JJ Colony, Madanpur Khadar, New Delhi


(ASHISH KUMAR HALDER)
CHAIRMAN, S.M.C.

Pune Copy

ANNEXURE-R/19

Office of the Dy. Director of Education
District: South-East, C-Block
Defence Colony, New Delhi-110024

41

Ref. 263.....

Date: 27/3/2017

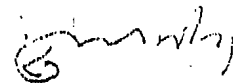
To

The Chairman/Manager,
Raisina Bengali Sr. Sec. School,
C.R. Park, New Delhi-19.

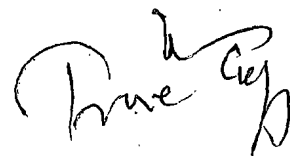
Sub: Regarding 'file' for filling up the vacant posts of Principal, Vice-Principal and UDC in your school.

As the post of Principal, Vice-Principal and UDC have been lying vacant in your school since long times, you were directed several times to submit the related file to the office of the DDE (SE), District South-East through the office of the undersigned. But the same has not been done till date. The explanation in this respect should be submitted immediately.

It is therefore, directed once again that the said file for filling of the vacant posts of Principal, Vice-Principal & UDC should be submitted without any further delay.



DDE (Zone) Zone-29
Distt. South-East



42

UCO BANK, HIGH COURT, DELHI
Litigant's Copy
CASH

Delhi High Court Legal Services Committee, DHC.
Ph. : 23383418

Saving A/c 15530110008386

1. Cost deposit on behalf of _____

2. Case No. W.P.C. No. 5431/2017

3. Title of the Case Raisine Bengali School

Versus Govt. of NCT of Delhi & ors.

4. Amount of cost imposed Rs 5000- (Rupees)

5. Name of the Hon'ble Court who has imposed cost _____

6. Date of order : 10/8/2017

Signature of depositor Santosh

Name of Depositor Santosh yadav

Address 16, Todarmati Road

Bengali market New Delhi - 110001

Mobile No. 7399001709

2000	X	2	4000
500	X	2	1000
100	X		
50	X		
20	X		
10	X		
Coins	X		

Total 5000-

Taru Gupta

OFFICE OF THE DY. DIRECTOR OF EDUCATION
DISTT. SOUTH EAST DEFENCE COLONY, NEW DELHI
(ZONE-29)

No.DDE-29/AS/2017/113/355


Dated 11/4/2017

ORDER

It is hereby ordered that Smt. Sunita Khilani, Principal, GGSS, JJ Colony, Madanpur Khadar, New Delhi, (Sch I.D.1925339) will be the Link Officer as HOS, for all purposes in r/o Raisena Bengali Sr. Sec. School, C.R. Park, New Delhi, New Delhi (Sch I.D. No.1925198) till further order or before joining any regular HOS in the concerned school. This work is in addition in her own work.

Further no extra remuneration will be paid to her for this work.

This order is issued with the prior approval of worthy D.E.


Dy. Director of Education
Zone-29

Copy to:-

1. DDE(SE) for information
2. Manager, Raisena Bengali Sr. Sec. School, C.R. Park, New Delhi, New Delhi
3. Mrs. Sunita Khilani, Principal, GGSS, JJ Colony, Madanpur Khadar, New Delhi, (Sch I.D.1925339).
4. Accounts Officer, S.E.

OFFICE OF THE DY. DIRECTOR OF EDUCATION
DISTT. SOUTH EAST DEFENCE COLONY, NEW DELHI
(ZONE-29)

No.DDE-29/AS/2017/113/ 685-688

Dated 16/08/2017

CORRIGENDUM

In partial modification of order no. DDE-29/AS/2017/113/355 dated 11/04/2017, the designation of Smt. Sunita Khilnani may be read as Link Officer/Head of Office for financial purposes instead link officer as HOS for all purposes. This is issued in the light of Circular No.F.No.PS/Addl.DE/(A)/2004/6542-6582 dated 20.09.2004.

This issue with the prior approval of DDE/SE.


(ANIS AHAMED) 16/8/17
Dy. Director of Education
Zone-29

Copy to:-

- 1 DDE(SE) for information
- ✓ 2 Manager, Raisina Bengali Sr. Sec. School, C.R. Park, New Delhi, New Delhi
- 3 Mrs. Sunita Khilnani, the then Principal, GGSS, JJ Colony, Madanpur Khadar, New Delhi (now DEO/Z-29).
- 4 Accounts Officer, S.E.


Dy. Director of Education
Zone-29