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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 196/2017, C.M. APPL.10809/2017
SATBHARAWAN ARYA GIRLS SR SEC SCHOOL & ANR
..... Appellants
Through : Sh. Vimal Wadhawan, Advocate.

versus

UNION OF INDIA & ORS Respondents
Through : Sh. Rhishabh Jetley, proxy for Sh.
Sanjoy Ghose, ASC, for GNCTD.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K. GAUBA

% **ORDER**
30.08.2017

1. The appellants' grievance is that the learned Single Judge, by the impugned judgment upheld the guidelines framed by the GNCTD through its letter of 08.07.2013; in particular, the following guidelines are questioned as *ultra vires* and contrary to the *Delhi School Education Act and Rules, 1973* [hereafter referred to as "the DSEAR/the Act/the Rules"].

"A Manager is required to have at least 10 years total experience in teaching and educational administration. Out of 10 years at least 03 years shall be as incharge of MCD/NDMC/recognised/Middle/Sec./Sr. Sec. School. This certificate must be duly counter signed by the EO/DEO of the concerned zone."

2. The appellant contended before the learned Single Judge that the guidelines fall foul of Rule 59 of the DSEAR which reads as follows:

"59. Scheme of management of recognised schools
(1) The scheme of management in relation to a recognised

school shall provide that:—

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XXXXXX

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(i) the educational and other qualifications of the manager and his duties and responsibilities; the position of the manager viz-a-viz the managing committee;

(j) no employee of an aided school (other than the head of school) shall be appointed as the manager, the head of school may be appointed the manager of a school, whether aided or unaided;

(k) appointment of the manager; the terms and conditions of his appointment; removal of the manager; filling up of casual vacancy in the office of the manager, duties and responsibilities of the manager;”

3. Learned Single Judge was of the opinion that there is no infirmity with the guidelines and that they cannot be said to violate either the Act or the Rules since the Rule specifically empowers the management to prescribe the qualifications of a Manager, his duties and responsibilities, whereas, the guidelines supplement that by insisting upon a particular kind of experience.

4. Sh. Vimal Wadhawan, learned counsel characterizes the learned Single Judge’s findings as erroneous by stating that the qualities required of and expected of a Manager of an educational institution are not to oversee or supervise the educational activities but rather largely hinge upon the administrative functions and control over finances. In discharging such responsibility, states the learned counsel, the Manager acts as the voice and ear of the management and gives shape to its policies through the educational institution.

5. It is contended that the reasoning of the learned Single Judge

Is virtually premised upon an erroneous belief that the Manager has some connection with the teaching or other educational activity of the school or educational institution and this robs the management of the choice and freedom which is of a wide nature under Rule 59.

6. This Court is of the opinion that the guidelines merely supplement the requirement of Rule 59(2) which allows a management to prescribe the educational “*and other qualifications of the Manager*”. Besides, the management is also free to spell-out the duties and responsibilities of the Manager. Further, the guidelines seek to improve the administration of schools which the Act and Rules are primarily concerned with. Concededly, the Manager is not expected to take upon himself or herself teaching responsibilities or oversee the educational functioning of the institution. Yet, the duties and responsibilities of a Manager of an educational institution are intimately connected with some exercise of control over the finances and administration of the teachers.

7. In this sense, the insistence that 10 years’ teaching experience with a minimum of three years’ experience as HOS/Principal, in this Court’s opinion, cannot be said to have no nexus with the position of Manager of a recognized school. In view of the above reasoning, there is no merit in the appeal. It is accordingly dismissed.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

AUGUST 30, 2017/AJK