

Can Delhi's unaided private schools increase fees without govt approval? What HC said

By Khadija Khan: May 10, 2024

The Delhi High Court recently stayed a Delhi government circular, which said private unaided schools that were allotted land by government agencies needed prior sanction from the Directorate of Education (DoE) before increasing their fees for the academic year 2024-25. In staying the March 27 DoE circular, the court also relied on a Supreme Court ruling from 2004 and mentioned the need to prevent the “commercialisation of education”.

The circular relied on Section 17 of the Delhi School Education Act, 1973, which says that no “aided school” shall levy any fee, collect any other charge, or receive any other payment except those specified by the Director. Here, an “aided school” means a recognised private school that receives aid in the form of a maintenance grant from the Centre or administrator, local authority, or any other authority designated by them.

The circular also called for the heads of private unaided schools to submit proposals to increase their fee for the academic session 2024-25. These schools, it said, were “allotted land by land-owning agencies on the condition of seeking prior sanction of (the) DoE for increasing fee”. Any complaint regarding fee increase without prior approval will be taken seriously and will make the school liable for action as per the statutory provisions, the circular stated.

Saying that respect for judicial pronouncements “is one of the pillars of the edifice of the rule of law”, the court also pulled up the DoE, saying the 2019 judgment had to be respected no matter “however dissatisfied” the DoE was with it. “The attitude of the DoE in continuously issuing circulars threatening recognised unaided schools with action in the event of their increasing their fees without obtaining prior approval of the DoE is objectionable and cannot be allowed,” the court said.

The court also relied on the Supreme Court’s 2004 ruling in *Modern School vs. Union of India*, where it held that a balance was required between maintaining institutions’ autonomy and preventing the commercialisation of education. Saying that such commercialisation must be prevented, the court had said that unaided educational institutions enjoy “greater autonomy, in the matter of determination fee structure” and were “entitled to a reasonable surplus for development of education and expansion of the institution”.

<https://indianexpress.com/article/explained/explained-law/delhi-unaided-private-schools-fees-increase-9318530/>