



# केन्द्रीय माध्यमिक शिक्षा बोर्ड

( शिक्षा मंत्रालय, भारत सरकार के अधीन एक स्वायत्त संगठन )

## CENTRAL BOARD OF SECONDARY EDUCATION

(An Autonomous Organisation under the Ministry of Education, Govt. of India)



NO. CBSE/AFF./2730551/2024/1630

Date: 05.11.2024

### ORDER

**P D MODEL SECONDARY SCHOOL**, 88, Paschimi Friends Enclave Sector-6, Sultanpuri Road, District West Delhi, Delhi-110041 was given Provisional affiliation with the Board for Secondary Level w.e.f. 01.04.2007 to 31.03.2010 & further upgraded to Senior Secondary Level w.e.f. 01.04.2015 to 31.03.2018. The affiliation is renewed from time to time and is affiliated till **31.03.2028** with affiliation number **2730551**. As per conditions of affiliation, the school shall abide by the provisions of the Examinations and Affiliation Bye-Laws of the Board.

**AND WHEREAS**, all affiliated schools have already been informed through Board's notification dated 18.10.2018 to ensure compliance with the terms and condition mentioned in the Affiliation Bye-Laws, 2018 and also that the Board may conduct surprise inspection of school(s) any time to verify the status of compliance. Clause No. 12 of Affiliation Bye-Laws clearly lays down that any non-compliance of Examination and Affiliation Bye-Laws shall be considered as violation and action shall be taken as per the Rules in Chapter 12 of the Affiliation Bye-Laws, 2018.

**AND WHEREAS**, Chapter 14 – "General Rules", provides for the general rules which are required to be mandatorily followed clause No. 14.1 states that, "Every school is bound to follow the Affiliation Bye Laws of the Board *mutatis mutandis*."

**AND WHEREAS**, clause No. 14.2 of the Affiliation Bye-Laws, 2018, stipulates that, "It is mandatory for every affiliated school to follow the Examination Bye-laws of the Board *mutatis mutandis*. Further, the clause 14.2.1 of the Affiliation Bye-Laws, 2018, provides that, "Every affiliated school shall present a list of number of students and their particulars in respect of Classes IX, X, XI & XII at the time of beginning of an academic session in the manner prescribed by the Board."

**AND WHEREAS**, the clause 14.2.2 of the Affiliation Bye-Laws, 2018, provides that, "No affiliated school shall present the candidates to the Board's examination who are not on its rolls." The clause 14.2.4 of the Affiliation Bye-Laws, 2018, provides that "No affiliated school shall present the candidates to the Board's examination who are on its roll but have not attended the school regularly or do not meet the requirement of minimum attendance for appearance in the Board's examination."

The clause 14.2.5 of the Affiliation Bye-Laws, 2018 further provides that, "Every affiliated school shall sponsor regularly its bona-fide and eligible students in Boards Class X and Class XII examinations from the year mentioned while granting affiliation/ upgradation regularly without break or inform with reasons thereof in writing well in time about the non-sponsoring of the candidates".

**AND WHEREAS**, Chapter 11 of the Affiliation Bye-Laws provides that the Board may conduct the inspection of the Schools including the surprise inspection to ascertain and ensure that schools are following the provisions of the Examination Bye-Laws, Affiliation Bye-Laws and any other instructions issued by the Board from time to time. Clause 11.4 of CBSE Affiliation Bye Laws, 2018 related to the

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Surprise Inspection of the schools states that, "The Board may any time get an affiliated school inspected by a committee of one or more members without giving any notice to the school." This activity of surprise inspection can be carried out any time to ensure the due compliance of Statutory Provisions, Bye-Laws of the Board and compliance of any legal mandate and all the schools are bound to offer themselves for such inspection as and when directed.

**AND THEREFORE**, on the basis of the enabling provisions contained in clause 11.4 of the Affiliation Bye-Laws, 2018, the Board conducted Surprise Inspection of the school **P D MODEL SECONDARY SCHOOL, 88, PASCHIMI FRIENDS ENCLAVE SECTOR-6, SULTANPURI ROAD, DISTRICT WEST DELHI, DELHI-110041** on **03.09.2024** through a two member Inspection Committee.

**A. On the basis of the report submitted by the Inspection Committee and analysing the data available with the Board, following *inter alia* violations were noticed:-**

- I. The school had registered 675 students in Class XI for session 2023-24, and the same number of students would have been transferred in Class XII by way of natural progression for next year. However, as per attendance register of Class XII 05 students are enrolled; out of which only 03 students were present on the day of inspection. Therefore, it clearly depicts that the school is engaged in admissions of dummy/non-attending students. Most of the students were from nearby as well as far off states. This is violation of Clause no.14.2 of Affiliation Bye-Laws, 2018.
- II. School has 17 classrooms each having size of 270 sq ft which is lesser than prescribed size i.e. 500 sq ft. The classrooms were not well lit, partially ventilated. Students deserves better academic ambience. Two classes (Nursery and KG) were running in one room. This is violation of Clause no.4.1 of Affiliation Bye-Laws, 2018.
- III. Maths Lab is undersized i.e.270 sq ft which is lesser than prescribed size of 500 sq ft. This is violation of Clause no.4.5 & 14.13 of Affiliation Bye-Laws, 2018.
- IV. Size of Library 420 sq ft is found to be undersized as per norms i.e.1200 sq ft. This is violation of Clause no.4.3.1 of Affiliation Bye-Laws, 2018.
- V. School has not maintained dance room as per norm; which is violation of Clause no.4.6 & 4.7.8 of Affiliation Bye-Laws, 2018.
- VI. No playground and sports facility is available in the School. An open space enclosed within the building was available. This is violation of Clause no.4.7.9 of Affiliation Bye-Laws, 2018.
- VII. The Labs were found locked and not accessible to students it seems that labs were not used for long. The ATL Lab equipment had not been unpacked since the receipt (one year ago). This is violation of Clause no.14.13 of Affiliation Bye-Laws, 2018.
- VIII. The teachers were not being paid as per minimum wages. The committee interacted with five teachers who mentioned that they were being paid Rs.5000/- per month. This is violation of Clause no.5.2.2 of Affiliation Bye-Laws, 2018.
- IX. B.Ed interns (4-5) were seen conducting classes and no record of them were being maintained. This is violation of Clause no.5.2.1 of Affiliation Bye-Laws, 2018.
- X. 25 Teachers are appointed as per record which is not adequate. Thus, the school is not maintaining section teacher ratio i.e. 1:1.5 as per norms of the Board. Moreover the record of the staff's qualification was not shown to the Inspection Committee. The committee interacted



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- with a few staff members and found that they did not have requisite qualification. There was mismatch in the list of teachers provided and the list of teachers attendance register. Ms Deepa, Ms Sheetal, Ms Anu, Ms Rukshar (teachers) were physically present and the committee interacted with them, however no records of these teachers were found in attendance register. No Librarian was appointed by the School. This is violation of Clause no. 5.1, 5.2.6 & 5.4 of Affiliation Bye-Laws, 2018.
- XI. The Committee had found that Mr Dinesh PGT English was a part time teacher but signing the attendance register for full school timing. This is violation of Clause no. 5.2.7 of Affiliation Bye-Laws, 2018.
- XII. Appointed Physical Education Teacher/PTIs are inadequate as per enrolled students. This is violation of Clause no. 2.4.10 of Affiliation Bye-Laws, 2018.
- XIII. Mismatch is found in the list of teachers provided and the teachers' attendance Register. Record of the Teachers & Staff is not found maintained. The teachers present in the school were interacted with the Committee and they had no official record in the school. This is violation of Clause no. 5.2.6 & 14.19(d) of Affiliation Bye-Laws, 2018.
- XIV. Records of the staff qualification were not shown to the inspection committee. No HR records are maintained. Service Rules are not available. This is violation of Clause no.5.3 of Affiliation Bye-Laws, 2018.
- XV. School has not appointed Special Educator as per Boards norms; which is violation of Clause no.2.4.11 of Affiliation Bye-Laws, 2018.
- XVI. School has not appointed Counsellor and Wellness Teacher as per a Board norm; which is violation of Clause no.2.4.12 of Affiliation Bye-Laws, 2018.
- XVII. Admission and Withdrawal register entries are not done properly. Signature of the Principal was also not obtained on the Admission and Withdrawal Register. No record for 670 students of Class XII attendance is being maintained. As per AWR 15 students had been admitted in Class XI whereas records of 05 students were being maintained in Attendance Register. This is violation of Clause no.14.19 of Affiliation Bye-Laws, 2018.
- XVIII. Safety and security were found inadequate. Ramp was found locked. No safety drills is being conducted by the school. No evacuation plan was displayed. This is violation of Clause no.4.7.6 & 8.4.13 of Affiliation Bye-Laws, 2018.

B. In order to provide the School a chance to submit its explanation/ clarification, a Show Cause Notice dated 13.09.2024 was served to the School with the direction to submit the reply within 30 days and to follow the course of natural justice and to maintain transparency, the copy of inspection report was provided to the school alongwith the Show Cause Notice.

C. The school vide its reply dated 24.10.2024 has inter-alia made the following submissions on the Show Cause Notice dated 13.09.2024:

- I. The school does not sponsor dummy/non-attending students as observed by the inspection committee rather owing to mid-term exams scheduled to be held from 08.09.2024 to 07.10.2024 attendance of students in school generally fluctuates. Further, it is pertinent to mention here that Rule 35(4) of DSEAR, 1973 clearly restrict the school to not to struck off name of students without

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giving a reasonable opportunity to the parent/guardian of student. Rule 35(4) of DSEAR, 1973 is reproduced below:

*"(4) Notwithstanding anything contained in sub-rule (1), no student's name shall be struck off the rolls except after giving the parent or guardian of such student a reasonable opportunity of showing cause against the proposed action."*

Further, it is submitted that school is actively considering the unexpected leave /absence of students and this issue was continuously discussed with the parents/guardian of students during 'Parents Teacher Meeting' and parents submitted to school that due to unexpected rain in region and daily forecast by IMD regarding yellow/red alert with respect to rain, they are worried about safety of students, which results into absence of students, however, school authorities ensured by the parents that such leave/absence of students shall be avoided.

Furthermore, it is submitted that in addition to coming to school regularly, a considerable number of students are enrolled in private coaching institutes as well for competitive exams such as JEE, NEET, and other advanced courses. These institutions provide specialized guidance, often focusing on areas beyond the school curriculum, to help students achieve their career aspirations. As a result, students tend to prioritize these coaching sessions over regular school attendance, especially as their exams draw near. Therefore, it is asserted that the school is not sponsoring any dummy or non- attending students, as these students are simply striving to maintain a challenging balance between regular school education and their preparation for higher education.

Furthermore, it is most respectfully submitted that Rule 50 (v) of DSEAR, 1973 stipulates that admission in the school shall be open to all without any discrimination bases on religion, caste, race, place of birth or any of them. Rule 50(v) of DSEAR, 1973 reproduced below for ready reference:

"50. Conditions for recognition -No private school shall be recognised, or continues to be recognized, appropriate authority unless the school fulfils the following conditions, namely (v) admission to the school is open to all without any discrimination based on religion, sate, race, place of birth or any of them;

Furthermore, Rule 140 of DSEAR, 1973 prescribe about the procedure when a migrating students may be admitted. Rule 140 of DSEAR, 1973 in reproduced below: "140. When migrating students may be admitted to higher class- A student coming from another recognised school shall not be admitted to a class higher than the one in which he was studying at his former school unless the transfer certificate states that he has been promoted to the next higher class."

- II. Kind attention is drawn towards Section 4 (C) of DSEAR, 1973, wherein, it is clearly stipulates that recognition to school shall not be granted unless it has suitable or adequate accommodation facilities. Section 4(C) of DSEAR, 1973 is reproduced below for ready reference:

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"4. Recognition of schools- (1) The appropriate authority may, on an application made to it in the prescribed form and in the prescribed manner, recognise any private school. Provided that no school shall be recognised unless-

- xxx xxx
- xxx xxx
- it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;"

DoE has granted recognition to the school by assessing all facilities of school and that also includes class room size. It is relevant to mention here that the Directorate of Education, Govt. of NCT of Delhi also carries annual inspection of school apart from inspection before granting recognition to school under DSEAR, 1973 and it is pertinent to mention here that DoE carried out inspection on 03.09.2024 and in pursuance of that inspection, no such adverse observations was raised by the DoE, GNCTD.

Further, it is pertinent to mention here that this aspect was also considered by the CBSE while granting affiliation to the school. Furthermore, Affiliation Bye Laws, 2018 came into force on 18.10.2018 i.e. much later when school was built up and after granting affiliation to the school so sighting violation on account of such Bye Laws, 2018 which are prospective in nature is not appropriate. However, school is giving assurance to the CBSE that positive steps shall be taken towards it and all possible efforts shall be made.

III. This aspect has already been considered by the CBSE while granting affiliation to the school which is prior to coming into force of Affiliation Bye Laws, 2018 i.e 18.10.2018 and it is not a new fact, however, school ensure that appropriate measures shall be taken to enhance the size of Maths Lab as per observation and in accordance with Affiliation Bye Laws, 2018 with in due course of time.

IV. This aspect has already been considered by the CBSE while granting affiliation to the school which is prior to coming into force of Affiliation Bye Laws, 2018 i.e. 18.10.2018 and it is not a new fact, however, school ensure that appropriate measures shall be taken to enhance the size of library as per observation and in accordance with Affiliation Bye Laws, 2018 with in due course of time. Further, it is submitted that school has library in consonance with Rule 51(ii) of DSEAR, 1973 which reads as under:

"51. Facilities to be provided by a school seeking recognition (1) Every private school seeking recognition shall provide for the following facilities, namely:-

(i)xxx xxx

(ii)Library service (a) (i) adequate library facilities, in the case of primary school, and (ii) in the case of any other school, a separate room for the Library, to be used exclusively for the purpose and on no account such room shall be considered as accommodation available for class-teaching; (b) a reading room attached or adjacent to the library, wherever possible; (c) the library has a stock of books specified by the Director as also books specified by the Affiliating Board and such other books as may meet the needs of the students and of the

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teachers; (d) the library has also books suitable for the use of teachers in their professional work and reference work,"

- V. All facilities as ought to be provided by the school as prescribed under Rule 51(v) of DSEAR, 1973 has been provided by the school. Further, it is submitted that school was not aware about establishment of Dance Room in accordance with Affiliation Bye Laws, 2018, however, it is respectfully submitted that dedicated dance room shall be prepared/established as soon as possible. Rule 51(v) of DSEAR, 1973 reads as under:

*"51. Facilities to be provided by a school seeking recognition-(1) Every pri-ate school seeking recognition shall provide for the following facilities, namely:-*

*(v) Co-curricular activities:*

*As many co-curricular activities, as may be possible so as to give to every student an opportunity of participating in one or more of the following activities, namely:*

- (a) debates;*
- (b) recitation or elocution;*
- (c) dramatics;*
- (d) music (including folk songs), dancing (including folk dances);*
- (e) hobbies of different types;*
- (f) model parliament;*
- (g) house system;*
- (h) prefectorial system;*
- (i) class competition'*
- (j) junior wing of the National Cadet Corps;*
- (k) scouting and guiding;*
- (l) activities providing for social service; and*
- (m) any other co-curricular activity;*

- VI. The school is in compliance of Rule 51(1) of DSEAR, 1973 and it is in possession of equipments related to sports activities. It is submitted that Rule 51(i) of DSEAR, 1973 envisaged about facilities related to physical activities. Rule 51 (i) of DSEAR, 1973 reads as under:

*"51. Facilities to be provided by a school seeking recognition (1) Every private school seeking recognition shall provide for the following facilities, namely:-*

*(i) Physical education:*

- (a) suitable playground for the purposes of games, sports, and materials for such games and sports;*
- (b) where no such playground is available due to the location of the school in an area where no suitable open space is available, the school shall make arrangement for a playground in a nearby area where students could be provided the facilities for games and sports;*
- (c) where no such arrangement as is referred to in clause (b) is possible, the school shall make arrangements for gymnastics or any other physical exercise;"*

However, it shall be ensured that a exclusive sports room after caring out necessary modifications for better and adequate placement of sports related equipments in open space shall also be established in due course of time.

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VII. It is submitted that the school is in compliance of Rule 51(iii) of DSEAR, 1973 which reads as under:  
"51. Facilities to be provided by a school seeking recognition-(1) Every private school seeking recognition shall provide for the following facilities, namely:-

(iii) Laboratory work;

(a) in the case of a school up to the middle level, a laboratory for teaching science, equipped according to such specifications as may be laid down from time to time, by the appropriate authority;

(b) in the case of a school above the middle level, intending to run either science course or courses in subjects which involve practical work, accommodation, equipment and apparatus according to such specifications as may be laid down, from time to time, by the Affiliating Board or the Director for the laboratory for each subject;

VIII. It is submitted that teachers appointed by the school are being paid as per Section 10 of DSEAR, 1973 which reads as under:

"10. Salaries of employees.-(1) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority:

*Provided that where the scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the appropriate authority, the appropriate authority shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the appropriate authority:-*

*Provided further that the failure to comply with such direction shall be deemed to be non-compliance with the conditions for continuing recognition of an existing school and the provisions of section 4 shall apply accordingly.*

(2) The managing committee of every aided school shall deposit, every month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits with the Administrator and the Administrator shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools."

Further, it is pertinent to mention here that the Hon'ble High Court, Delhi in LPA No. 709/2018 titled as "Salwan Public School Vs. Director of Education & Anr." held as follows:

*"The court is persuaded by the arguments advanced by the learned counsel for the appellant and the learned counsel for the R-1/Directorate of Education that in the absence of a candidate coming within the ambit of statutory protection, such protection cannot be granted. The impugned order is set aside and the appeal is allowed."*

IX. It is submitted that qualified teachers appointed by the school are being assigned the work of teaching in the school. With respect to this observation, it is submitted that B.Ed. interns came into

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school for teaching for their practical purpose in their course and are not employees of the school. That is the reason, there is no record of such teachers in school.

- X. The school has maintained the section to teacher's ratio at 1.5. The details of the same are tabulated below:-

Class	Sections	Teachers	Section: Teachers Ratio
PS	1	2	1:2
PP	1	2	1:2
I	1	2	1:2
II	1	2	1:2
III	1	2	1:2
IV	1	2	1:2
V	1	2	1:2
VI	1	2	1:2
VII	1	2	1:2
VIII	1	2	1:2
IX	2	4	2:4
X	1	2	1:2
XI	7	8	7:8
XII	14	15	14:15

- XI. Further, The school has appointed the staff in the staff in accordance with Section 8 (1) read with Rule 96 & 100 of DSEAR, 1973 which reads as under:

\*96. Recruitment-(1) Nothing contained in this Chapter shall apply to an unaided minority school.

(2) Recruitment of employees in each recognised private school shall be made on the recommendation of the Selection Committee.

3) The Selection Committee shall consist of:-

(a) in the case of recruitment of the head of the school,-

(1) the Chairman of the managing committee;

(ii) in the case of an unaided school, an educationist is nominated by the managing committee, and an educationist nominated by the Director;

(iii) in the case of an aided school, two educationists nominated by the Director, out of whom at least one shall be a person having experience of school education,

(iv) a person having experience of the administration of schools, to be nominated, in the case of an unaided school by the managing committee, or in the case of an aided school, by the Director;

(b) in the case of an appointment of a teacher (other than the head of the school).-

(i) the Chairman of the managing committee or a member of the managing committee nominated by the Chairman,

(ii) the head of the school,

(iii) in the case of a primary school, a female educationist having experience of school education;

(iv) in the case of an aided school, one educationist to be nominated by the Director, and one representative of the Director;





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(v) in the case of appointment of a teacher for any class in the middle stage or any class in the higher secondary stage, an expert on the subject in relation to which the teacher is proposed to be appointed, to be nominated, in the case of an unaided school by the managing committee, or in the case of an aided school, by the Director.

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a) 100. Minimum qualifications for appointment of teachers:-

Until separate rules specifying the minimum qualifications of teachers of schools, whether aided or not, are made by the Administrator in consultation with the Advisory Board and after giving the Affiliating Board or the appropriate authority, as the case may be, a reasonable opportunity of being heard, the minimum qualifications for employment as a teacher:-

(a) in a recognised unaided school shall not be lower than those specified by the Affiliating Board:

Provided that where no minimum qualifications have been specified by the Affiliating Board the minimum qualifications shall be such as have been specified by the appropriate authority;

Provided further that the managing committee of such school may specify qualifications higher than those or in addition to those, specified by the Affiliating Board or the appropriate authority, as the case may be, but no such higher or additional qualification shall be specified in relation to a teacher who is already serving the school;

(b) in an aided school, shall be those as have been specified by the Administrator for Appointment to corresponding posts in Government schools;

(c) where a post (other than that of a teacher) in a school, whether aided or not, corresponds to any post in the Government Schools, the minimum qualifications for recruitment to such post shall be such as has been specified for such corresponding post in the Government school"

However, it is respectfully submitted that name of teachers who are not qualified is not mentioned in observations so raised so school has to reverify qualification of all teachers appointed which will take considerable time. However, it is respectfully submitted that appropriate measures shall be taken to remove the observation so raised.

- XII. It is most respectfully submitted that presently 03 number of Physical Education Teachers is employed by the school. However, adequate number of Physical Education Teachers shall be appointed by the school from ensuing session.
- XIII. Some of teachers deliberately do not sign the attendance register. Accordingly, Memo to such teachers is issued by the school. Copy of staff statement submitted by the school to DoE under Rule 180 of DSEAR, 1973 is enclosed herewith as Enclosure-1.
- XIV. With respect to this observation, staff statement containing qualification, and other related details is enclosed as above. Further, It is submitted that details of teachers are corrected/updated. The school sincerely apologies for the inadvertent error and it is requested to condone the same
- XV. It is submitted that till date need of special educator does not arise in the school. However, it is most respectfully submitted that a special educator shall be appointed by the school from ensuing session to cater the need of special child.
- XVI. The school has appointed Counsellor and Wellness Teacher on part time basis and they interact with students in accordance with need of child. However, it is ensured that Counsellor and Wellness Teacher shall be appointed by the school on full time basis as stipulated under Rule 2.4.12 from ensuing session.

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- XVII. The school has presented 663 students for class XII for the academic session 2024-25 in compliance of Clause 14.2.1 of Affiliation Bye Laws, 2018) and transfer certificates of 08 Students have been issued by the school during academic session 2024-25 which clearly indicates that there is no substance in violations so observed by the inspection committee and school is following due procedure with respect to admission of students as envisaged under Rule 131 to Rule 145 of DSEAR, 1973. Further, it is submitted that school cannot force a student to continue his/her study in particular school. Furthermore, DoE vide Circular dated 26.04.2006 has clearly directed all schools in Delhi to issue school leaving certificate, if parent wishes. Copy enclosed as "Enclosure-1.
- XVIII. With respect to this, it is submitted that school is very sensitive towards safety of the children and all possible efforts/endeavors made by school. However, it is most respectfully submitted that observations so raised has been rectified and it is requested to kindly condone the same.

**D. The analysis of the submissions in its reply dated 24.10.2024 and the violations committed by the School are as under:-**

- I. In its reply to the Show Cause Notice, the school has nowhere clarified as to why there were details of only 05 students of class XII mentioned in the Attendance Register shown to the inspection committee. Whereas in the LoC, the school has filled the data of total 663 students for Class XII Board Examination. With regard to the absenteeism of students, the school has informed that "The school does not sponsor dummy/non-attending students as observed by the inspection committee rather owing to mid-term exams scheduled to be held from 08.09.2024 to 07.10.2024 attendance of students in school generally fluctuates.....". In this connection, it is further submitted that if, there were 660 students out of 663 students of class XII absent due to mid-term exams then as to why their details were not mentioned in the attendance register. As per the photocopy of attendance register provided to the inspection committee, there were only 05 students enrolled in class XII out of which only 03 students were present on the day of inspection. The report of the inspection committee shows the huge gap between the number of students actually present on the day of inspection i.e 03 students and the number of students actually enrolled as per LoC i.e. 663 students in class XII which clearly establishes the fact that the school is sponsoring dummy students/non attending students which is a violation of clause 14.2 of the Affiliation/Examination Bye-Laws of the Board. In support to its statement the school has not even enclosed any documentary evidence such as copy of attendance register of the previous months of date of inspection when there was no Mid Term exam, copy of date sheet of mid-term exams etc. alongwith its reply. Copy of these documents were not even provide to the inspection committee at the time of inspection which clearly reflects that the intention of the school was to hide the facts from the inspection committee and excuse of Mid Term Examination is created to mislead the Board and to hide the shortcomings and irregularities of the school which is not tenable. The school in its reply has further mentioned that "..... Rule 35(4) of DSEAR, 1973 clearly restrict the school to not to struck off name of students without giving a reasonable opportunity to the parent/guardian of student. Rule 35(4) of DSEAR, 1973..." In this regard, it is submitted that there were the name of only 05 students of class XII in the attendance registers, name of remaining 658 students were missing in the attendance register, then how the school will be struck off their names. In this regard, it is informed that Clause 19 of Chapter VI of the Delhi School Education Act, 1973 stipulates that "For the purpose of any public examination every



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recognized higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examination and **shall fulfil the conditions specified by the Board** or Council in this behalf". Further as per Clause 6.5 of Examination Bye-Laws of the Board "...the candidate shall complete the required percentage of attendance (75%) for Class IX, X, XI & XII as per Examination Bye Laws of the Board to make him/ her eligible for the examinations. In such cases where the admission by the candidate could not be taken in a higher class by the stipulated date because of the late declaration of result by the Board such permission would not be required, provided the candidate applied for admission within a fortnight of the declaration of the result."

The school has further submitted that "...school is actively considering the unexpected leave /absence of students and this issue was continuously discussed with the parents/guardian of students during 'Parents Teacher Meeting' and parents submitted to school that due to unexpected rain in region and daily forecast by IMD regarding yellow/red alert with respect to rain, they are worried about safety of students, which results into absence of students, however, school authorities ensured by the parents that such leave/absence of students shall be avoided...." The school's submission that parents are worried about the safety of their wards due to rain cannot be accepted because if it was so then the attendance especially in the lower classes should have been effected more than the attendance of higher classes whereas as per inspection report and as per the copy of attendance register provided to the inspection committee, in Bal Vatika-I, 14 out of 21 students were present, in Bal Vatika-II 20 out of 32 students were present, in Bal Vatika-III 09 out of 12 were present, in class I 27 out of 35 students were present, class II 28 out of 33 were present. The similar trend is observed upto Class X. However, suddenly there is a sharp decline in class XII where there were only 03 students present out of a total number of registered candidates of 663 which clearly establishes the fact that the school is trying to mislead by giving wrong submission.

The school itself has further stated that "a considerable number of students are enrolled in private coaching institutes as well for competitive exams such as JEE, NEET, and other advanced courses....., students tend to prioritize these coaching sessions over regular school attendance," Even after knowing this fact, the school is presenting these students to Board's examination which is the violation of clause no.14.2.4 of Affiliation Bye Laws of the Board which stipulates "no affiliated school shall present the candidates to the Board's examination who are on its roll but have not attended the school regularly or do not meet the requirement of minimum attendance for appearance in the Board's examination". If the students were not attending classes, then the school could have stopped the sponsorship of these students for the Board's examinations, however the school has not done so which is an intentional violation of the Clause 14.2.4 and 14.2.5 of Affiliation Bye-Laws of the Board. In addition to above, Clause 14.7 of Affiliation Bye Laws of the Board stipulates "The school shall take steps to see that physical & health education, life skills education, digital education for students and teachers, experiential learning, value education with particular emphasis on National Integration is imparted to students through teaching of various subjects and activities in the school curriculum." and clause 2.4.8 QUALITY OF EDUCATION stipulates "The school must be quality driven and must strive for excellence in all aspect of its activities. It must follow the directions issued by the Board from time to time regarding introduction of innovative practices in areas of curriculum, pedagogy and

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evaluation." If the school does not maintain regular attendance of students, quality education which includes physical & health education, life skills education, digital education would not be possible under any circumstance. Thus, the school has violated the clauses No. 14.2.4, 14.2.5, 14.7 and 2.4.8 of Affiliation Bye-Laws of the Board.

Further as per Clause 6.5 of Examination Bye-Laws of the Board "....the candidate shall complete the required percentage of attendance (75%) for Class IX, X, XI & XII as per Examination Bye Laws of the Board to make him/ her eligible for the examinations. In such cases where the admission by the candidate could not be taken in a higher class by the stipulated date because of the late declaration of result by the Board such permission would not be required, provided the candidate applied for admission within a fortnight of the declaration of the result."

AND Clause 13.1(i) "....Candidates taking up a subject(s) involving practicals shall also be required to have put in at least 75% of the total attendance for practical work in the subject in the laboratory. Heads of Institutions shall not allow a candidate who has offered subject(s) involving practicals to take the practical examination(s) unless the candidate fulfils the attendance requirements as given in this Rule.

AND Clause 13.2(i) "No student from a School affiliated to the Board shall be eligible to take the examination unless he has completed 75% of attendances counted from the opening of class X/XII upto the first of the month preceding the month in which the examination commences in the subjects of internal assessment." Therefore, the school has blatantly violated the Clauses 6.5, 13.1 (i) and 13.2 (i) of the Examination Bye-Laws as well.

It is further submitted that as per recently filled LoC of Class XII by the school, there are total 663 students registered in class XII for which the school is required to have at least 15 classrooms exclusively for class XII. Whereas as reported by the inspection committee, the school is having total 17 classrooms only to run all classes/sections from Bal Vatika-I/II/III to Class XII which clearly reflects that these students of class XII are dummy/non-attending and have been registered at Board's portal for the purpose of Board Examination only.

- II. Inspection committee in its report has mentioned that all the classrooms in the school are undersized by mentioning their dimension 15'x18'= (270 sq ft) against the minimum requirement of 500 sq ft. as per Affiliation Bye Laws of the Board. In its reply, the School has submitted that "DoE has granted recognition to the school by assessing all facilities of school and that also includes class room size. It is relevant to mention here that the Directorate of Education, Govt. of NCT of Delhi also carries annual inspection of school apart from inspection before granting recognition to school under DSEAR, 1973 and it is pertinent to mention here that DoE carried out inspection on 03.09.2024 and in pursuance of that inspection, no such adverse observations was raised by the DoE, GNCTD....." In this regard, it is informed that Clause 19 of Chapter VI of the Delhi School Education Act, 1973 stipulates that "For the purpose of any public examination every recognized higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examination and **shall fulfil the conditions specified by the Board or Council**



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in this behalf", hence the schools affiliated with the Board are bound/compelled to follow the Affiliation Bye Laws of the Board in respect of the infrastructure *inter-alia* other requirement as prescribed by the Board. Therefore, it is an established fact that the school has violated infrastructure norms of the Board. Further, the classrooms are undersized to the extent that the school is not even providing at least 1 sq. mtr. floor area to a student. The size of classrooms and class/section wise enrolment of students per section clearly establishes the violation of clause 4.1 of Affiliation Bye Laws of the Board which stipulates that minimum floor space should be at least 1 sq. mtr. per student. In point no.10 of the school's reply, now, the school has mentioned that it is running total 34 sections in the school. Whereas as reported by the Committee, the school is having only 17 classrooms in its school. This clearly establishes that school has huge shortage of classrooms to run total 34 sections and the students of class XII are only registered for the purpose of class XII Board Examinations/ they are dummy students.

The school has further stated that "...it is pertinent to mention here that this aspect was also considered by the CBSE while granting affiliation to the school..." **In this connection, it is informed that while granting provisional affiliation to the school, it had been mentioned in the grant letter by the Board that "the school will provide Laboratories, Library and other facilities as per the norms of the Board."**

The school has further mentioned that "Affiliation Bye Laws, 2018 came into force on 18.10.2018 i.e. much later when school was built up and after granting affiliation to the school so sighting violation on account of such Bye Laws, 2018 which are prospective in nature is not appropriate." In this connection, it is informed to the school that the fresh Composite Provisional affiliation was granted to the school in year 2007 that was valid for three years only. In the year 2023, the provisional affiliation granted to the school was further extended subject to the condition that "The school should go through the provision of Affiliation and Examination Bye Laws and subsequent amendment therein as well as circulars and guidelines/instructions issued by the Board time to time....". Therefore, none of the submissions of the school regarding its infrastructure is satisfactory and tenable which establishes violation of clause 4.1 of Affiliation Bye Laws of the Board.

- III. The inspection Committee who visited the school on 03.09.2024 and conducted the physical thorough inspection of the school had categorically informed that the Maths Lab is found to be undersized by mentioning their dimension 15'x18'= (270 sq ft) against the minimum requirement of 500 sq ft.(size of regular classroom) as per Affiliation Bye Laws of the Board and under stocked. In this regard the school has submitted that "This aspect has already been considered by the CBSE while granting affiliation to the school which is prior to coming into force of Affiliation Bye Laws, 2018 i.e. 18.10.2018....." In this connection, it again reiterated that in the year 2023, the provisional affiliation granted to the school was further extended subject to the condition that "The school should go through the provision of Affiliation and Examination Bye Laws and subsequent amendment therein as well as circulars and guidelines/instructions issued by the Board time to time...." which establishes violation of clause 4.5 of Affiliation Bye Laws of the Board.

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- IV. As per Affiliation Bye Laws of the Board, minimum size of Library should be **14 m. x 8 m. (i.e 1200 sq ft approx)**. The inspection committee in its report has informed that the Library of the school is undersized i.e. 28'x15'=420 sq ft. In its reply to the SCN, the school has again mentioned the rule position of DSEAR, 1973 and grant of its affiliation prior to coming Affiliation Bye Laws 2018 in force. In this connection, it is again reiterated that the schools affiliated with the Board are bound/compelled to follow the Affiliation Bye Laws of the Board in respect of the infrastructure *inter-alia* other requirement as prescribed by the Board and affiliation of the school was extended in the year 2023 subject to the condition that it shall adhere to the provision of Affiliation and Examination Bye Laws and subsequent amendment therein as well as circulars and guidelines/instructions issued by the Board time to time. Therefore, it establishes that the school is violating the clause 4.3 of Affiliation Bye Laws of the Board.
- V. The inspection committee has categorically reported that the school is not maintaining the dance room as per the norms of the Board. In its reply, the school has submitted that "...school was not aware about establishment of Dance Room in accordance with Affiliation Bye Laws, 2018, however, it is respectfully submitted that dedicated dance room shall be prepared/established as soon as possible.." The above reply of the school establishes that the school is violating the Clause no.4.6 & 4.7.8 of Affiliation Bye-Laws, 2018.
- VI. The Board has issued guidelines on the minimum infrastructure requirement including Sports facilities in CBSE Affiliated schools, in consonance with its Bye-Laws vide Circular No. 11/2022 dated 04.10.2022. Every CBSE affiliated school is bound to follow the directions issued by the Board from time to time as per clause 14.17 of the Affiliation Bye-Laws, which states that "Every school is bound to follow the directions of the Central Government, State/UT Government and the Board in the form of notifications, circulars and advisories etc. from time to time". As per the report of inspection committee no playground and sports facilities are available in the school. The school in its reply has admitted that "...it shall be ensured that a exclusive sports room after caring out necessary modifications for better and adequate placement of sports related equipments in open space shall also be established in due course of time.", therefore it is evident that the school did not have sports facilities at the time of inspection and therefore the school has violated clause number 4.7.9 of the Affiliation Bye-Laws of the Board.
- VII. As reported by the inspection committee, the labs were found locked and not accessible to students. The ATL Lab equipment had not been unpacked by the school since its receipt. Instead of giving its reply the school has given reference of a Rule of Delhi State Education Act, 1973 which is nowhere related with the above objection, thus the violation of Clause 14.13 of Affiliation Bye-Laws of the Board is established.
- VIII. As per the report of the inspection committee the teachers were not even being paid as per minimum wages stipulated by Govt of NCT of Delhi. The committee interacted with five teachers who mentioned that they were being paid Rs.5000/- per month. This is violation of Clause no.5.2.2 of Affiliation Bye-Laws, 2018. In its reply the school has submitted that "teachers appointed by the school are being paid as per Section 10 of DSEAR, 1973" which itself stipulates that "10. Salaries of employees.-(1) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority..." Further, the copy of acquaintance roll enclosed with the reply of the school clearly

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indicates that the salaries to teachers are not being paid as per norms. In support to its statement the school has also not furnished concrete evidence viz Bank Statement of school's account showing salaries are being transferred in respective bank accounts of PGTs/TGTs/ PRTs/NTTs etc. which establishes the violation of clause 5.2.2 of Affiliation Bye-Laws of the Board.

The school has further given reference of the Hon'ble High Court, Delhi in LPA No. 709/2018 titled as "Salwan Public School Vs. Director of Education & Anr." held as follows:

*"The court is persuaded by the arguments advanced by the learned counsel for the appellant and the learned counsel for the R-1/Directorate of Education that in the absence of a candidate coming within the ambit of statutory protection, such protection cannot be granted. The impugned order is set aside and the appeal is allowed."*

The said order of the Hon'ble High Court, Delhi refers to the regularisation of the contractual teacher and does not approves the payments of salaries paid to the teachers which are abysmally below the minimum wages. Therefore, it is established that the school is violating clause 5.2.2 of Affiliation Bye-Laws of the Board.

- IX. With respect to the section teacher ratio, the school has simply submitted that the school has maintained section teacher ratio however, the school has not enclosed copy of appointment letters of their teachers, copy of their attendance register, copy of Bank statement of salary transfer of staff i.e. PGTs/TGTs/PRTs, copy of EPF Challan or Biometric attendance record of staff etc. which could have substantiated the school's claim. Therefore, it is established that the school is violating Clause 5.4 of Affiliation Bye Laws of the Board. Apart from above, the school has again quoted/referred a rule of DSEAR, 1973. In this regard, it is again reiterated that as per Clause 19 of Chapter VI of the Delhi School Education Act, 1973, the schools affiliated with the Board are bound to follow the Affiliation Bye Laws of the Board. Hence, the submission of the school cannot be accepted. Further, the school has not furnished any documentary evidence in support to the qualification of their teachers which could substantiate that all the teachers appointed by the school are qualified.
- X. The Committee had found that Mr Dinesh PGT English was a part time teacher but signing the attendance register for full school timing. The school has chosen to be silent on this point. Hence, it is assumed that school has nothing to represent at this point and the school is accepting its fault which establishes the violation of clause 5.2.7 of Affiliation Bye-Laws of the Board.
- XI. With regard to shortage of Physical Education Teachers, the school has submitted that presently 03 Physical Education Teachers have been employed by the school, but again the school has not furnished any documentary evidence in support to its claim that there are 03 Physical Education teachers in the school viz. copy of appointment letters of PET/PTI, copy of their qualification records, proof of their salary transfer in their respective Bank account, copy of EPF Challan etc.
- XII. With respect to the objection of mismatch in list of teachers provided to the committee and teachers attendance register, the school has submitted that "...some of teachers deliberately do not sign the attendance register. Accordingly, Memo to such teachers is issued by the school...". But the school has chosen to be silent on objection that as to why the teachers who were present

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in the school on the day of inspection, and with whom the committee had interacted with, had no official record in the school. This clearly establishes that this is a deliberate act of the school to manipulate the teachers records to cover up its irregularities in terms of teachers appointment and their service terms. Therefore, this is a violation of clause 5.2.6 & 14.19 (d) of Affiliation Bye-Laws of the Board.

- XIII. Now, the school has mentioned the qualification of teachers in the staff statement but still the school did not provide copy of their qualification records viz mark sheet, certificate, degree etc. to substantiate its claim. The school is silent on non-availability of service rules, hence it assumed that the school has nothing to represent in the matter and service rules are not actually framed by the school which is violation of clause 5.3 of Affiliation Bye-Laws of the Board. Further, this point has to be corroborated with the point above wherein it has been established that the school has manipulated teachers records,
- XIV. With regard to non-appointment of Special Educator, the school has submitted that "...till date need of special educator does not arise in the school. However, it is most respectfully submitted that a special educator shall be appointed by the school from ensuing session to cater the need of special child..." Which establishes the violation of clause 2.4.11 of Affiliation Bye-Laws which stipulates that "Every Secondary and Senior Secondary school should appoint a person on full time basis for performing the duty of Special Educator."
- XV. With regard to non-appointment of Counsellor & Wellness Teacher, the school has submitted that "...the school has appointed Counselor & Wellness Teacher on part time basis and they interact with students in accordance with need of child. However, it is ensured that Counsellor and Wellness Teacher shall be appointed by the school on full time basis" Which establishes the violation of clause 2.4.12 of Affiliation Bye-Laws which stipulates that "Every Secondary and Senior Secondary school should appoint a person on full time basis for performing the duty of Counsellor & Wellness Teacher."
- XVI. The Admission and Withdrawal Register is the essential record required to be maintained by the school but as informed by the inspection committee, Admission and Withdrawal register entries are not done properly. Signature of the Principal was also not obtained on the Admission and Withdrawal Register. As per AWR, 15 students had been admitted in Class XI whereas records of only 05 students were being maintained in Attendance Register. In its reply the school has not covered any of above point which clearly establishes violation of Clause 14.19 of Affiliation Bye-Laws of the Board. Further, no record of attendance of most of the students of class XII reflects that there are irregularities in maintenance of attendance register of the school. The irregularities in maintenance of AWR (Admission and Withdrawal Register) and Attendance Registers clearly proves the mala-fide intention of the school to manipulate admissions. The submission of the school is, therefore, not sustainable and tenable. Hence, the violation of clause number 14.19 (a) & 14.19(c) of Affiliation Bye-Laws has been established.
- XVII. The school has stated that it is very sensitive towards safety of the children and all possible efforts /endeavours made by the school, however no supporting evidence in this regard has been submitted alongwith the reply. Therefore, the violation of clause 4.7.6 and 8.4.13 of the Affiliation Bye-laws of the Board is established.

JPC







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### Conclusion :

Thus, the following violations are established beyond doubt:-

- I. The school is indulged in sponsoring dummy/non attending students.
- II. The school has severe infrastructural deficiencies in the school viz less no. of classrooms, undersized classrooms, undersized Maths Lab, Library, no Dance Room.
- III. The Laboratories in the school are not accessible to students.
- IV. The teachers are not being paid as per norms.
- V. The section teachers ratio is not being maintained.
- VI. The school has not appointed qualified teachers in the school.
- VII. There are irregularities and manipulations in maintenance of records especially AWR and attendance registers are not being maintained as per norms.
- VIII. Special Educator and Counsellor & Wellness Teachers have not been appointed by the school.
- IX. The school's safety and security provisions are inadequate.

Accordingly, it is for consideration as to which of the penalties mentioned in the clause 12.1 of the Affiliation Bye Laws be imposed on the school. Since the violation observed are clearly manifesting wilful non-observance of the Affiliation Bye Laws to the extent of deliberately sponsoring non bona-fide students and manipulation of records, therefore it can only be concluded that the school is liable for the severest of the penalty as can be imposed viz. withdrawal of affiliation.

Hence, as per the approval of the competent authority of the Board, the following orders are issued:

- a. The provisional affiliation granted to the school upto Senior Secondary School Examination Level be withdrawn with immediate effect.
- b. Student in class X and XII are permitted to appear from the same school for session 2024-25. However, the students who are presently in class IX and XI shall be shifted to nearby school by Regional Officer, Delhi (West).
- c. The school shall not take any new admissions or promote the students of lower classes in IX and XI by natural progression, hereafter
- d. The school may seek restoration of affiliation upto secondary level after lapse of one academic year i.e. from 2026-27 after ameliorating the deficiencies pointed out with regard to running upto secondary level.
- e. The school may seek restoration of affiliation upto senior secondary level only at least after 02 academic years of restoration upto secondary level, if so sought and granted.

*J.P. Chaturvedi*  
05.11.2024  
JOINT SECRETARY (AFFL.)

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