

To,
BEO
Bangalore North 4.
Department of Education,
Bangalore.

Sir,

Sub: With reference to your order dated 9/10/2017, minimum pay to teachers and related information which your office is seeking, may not be able to fulfill at the movement due to huge financial burden with new norms to budget private unaided school.

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Ref 1. TMA Pai Vs Govt. of Karnataka Parah 50..

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Ref 2. In the Supreme Court of India Civil Appellate Jurisdiction Civil Appeal No. 2676 of 2010.

We the member of Associated Managements of Private Schools in Karnataka (KAMS) one of the 30 year old association most of us being **budget unaided private school managements** in Karnataka, with a nominal admission and fee already disclosed by audited report given to your office earlier, providing at our best quality education to economically weaker section, facing very hard to provide minimum basic pay of government, as your department time and again from past few years, frequent new rules and regulation norms are set in functioning of schools, such as rigid fee fixation (Still a sub-judice matter, RTE admissions, reimbursement issues, safety and security of children's, teachers, and management accountability, these are financially burdening us.

The department now insisting management for service record and payment of minimum basic pay to teachers is not acceptable due to huge financial burden on our budget state board schools.

1. We run with pre fixed monthly/yearly nominal fee which include admission / maintenance.
2. The education department time and again coming with new recommendation is financially burdening the management which directly passes to parents, but parents or not able to bear the same

and disputing for even a nominal increase of 10 % to 15 % of fees which is must to sustain.

3. PF, ESI, Gratuity, Professional Tax, Service Tax & administrative expenditure has suddenly increased with add on burden from last few years.

4. Education department has increased its registration fee **1000 %**, and additional increase of fixed deposit which is huge financial constrain.

5. The fee fixation draft, its self on one side states different salary for Urban, Rural, District, Taluk, categorising on affordable by the parents resource of income, if so how department can fix minimum basic pay to teachers and expect common source of fund inflow all over the state private budget schools.

6. Other department such as revenue, (Property tax) KEB, BWSSB Pro Rota Charges, are also charging commercial, which are huge financial constrains.

7. Parents of our budget school mostly are from **economically weaker section, wherein, works on daily wages, or monthly salaries** with minimum basic wage, if considering your recommendation and calculate as per your formula, any school as per their already available facility and infrastructure, schools has to increase **100% to 300%** to full fill the minimum norms of education department.

8. Parents on other side never agree for small increase, already have disputes, among RTE student's partial amount reimbursement, by which general category parents dispute, to bear the burden, in such situation already most budget schools are facing financial burden, no donation which is already banned or no financial help can be avail, as our members are private school.

Education department, bringing rules and insisting same due to political gains of some politicians and making way for commercializing by few investors, from politician and business sector, we understand the lobby to scale down the volume of budget schools, which in returns benefit elite school who are converting education in to business.

These developments will cause direct impact on society's economically weaker section parents, who may not be able to avail education paying hefty fee at elite school for getting education.

Looking all factor, we the members of Associated Management of Private Schools in Karnataka, (**KAMS**) are in dispute with the new compulsion regarding minimum basic pay to pay 17650/- which is now on 5th pay scale, if 6th pay scale is enforced it would be around 27,000

plus which is not at all possible even if we increase at 100 to 200 % of fee in most schools.

With ref to above 1: Having looked at the Karnataka Education Act, 1983, it prime facie appears to us that the Government requires to reconsider various provisions of the Act, in light of the Judgment of this Court in the case of T.M.A. PAI Education v/s. State of Karnataka, reported in (2002) 8 SCC.

Parah 50. The right to establish and administer broadly comprises of the following rights:-

- (a) to admit students (b) to set up a reasonable fee structure**
- (c) to constitute a governing body (d) to appoint staff (teaching and non-teaching) and (e) to take action if there is dereliction of duty on the part of any employees.**

56. An Education Institution -----

it has therefore to be left to the Institution, if it chooses not to seek any aid from the Govt. to determine the scale of Fee that it can charges from the students -----

The decision on the Fee to be charged must necessarily be left to the private Educational Institutions that does not seek or it is not dependent upon any funds from the Govt.

61. In Case of unaided private schools, maximum autonomy has to be with the management with regard to administration, including the right of Appointment, disciplinary powers, admission of students and Fees to charged.

In the Supreme Court of India Civil Appellate Jurisdiction Civil Appeal No. 2676 of 2010.

Parah 11) We also do not think that the Court could issue a mandamus to a private unaided school to pay the salary and allowances equal to the salary and allowances payable to teachers of Government schools or Government aided schools. This is because the salary and allowances of teachers of a private unaided school is a matter of contract between the school and the teacher and is not within the domain of public law.

With above Ref 2: IN THE RELAVENT 1991 JUDGEMENT ABOVE SUPREME COURT SAID THAT TEACHERS SHOULD NOT BE CONSIDERED HAS WORK MEN. WHO IS SUPPOSE TO BE COVERED WITH MINIMUM BASIC PAY, and Government order is also passed regarding.

Under the above explained contents, your good office should know until unless the Government of Karnataka revises the **Education act 1983 on par with TMA PAI case Judgment, (which is now directed to Karnataka High Court division bench)** any notification, order, guidelines has no validity and only empowers the subordinate education department officials torturing, unnecessarily giving threats to private budget school managements is not acceptable.

We abide as best as possible to pay salary through bank for the permanent/long service teachers, temporary or agency recruited teachers/Guest teacher as the one government has recruited by paying them 5500/- Per month, when such provision and financial constrain for the government, how can the same authority insist on private budget unaided school were in as per the Judgment of Hon'ble Supreme Court in the order passed by Justice R V Raveendran and Justice A K Patnayaik said,"We do not think that court could issue mandamus to a private unaided schools to pay the salary equal to government pay, and also observed that government has no administrative control over unaided minority schools" keeping all these factors on one side, on the other side providing service security, can the education department pass such order that no teacher leave the institution in between without prior notice, as most teaching or non teaching staff, they have unconditional commitment to serve, they live job even without prior notice to the institution for whatever the reason so, causing a huge disrupt to management and students.

We also shall not like to disclose personal details like phone numbers and other family information to any agency as it's may be misused by various agencies.

Hence we hope & request your office to direct, not to insist on minimum wage and service record in full compliance and we dispute the order dated 9/10/2017 from Secondary DPI which is illogic, not practical, infrideging on our private unaided schools fundamental right, we request not to apply the orders, please accept our duly filled information with this covering letter and provide us opportunity to hear our grievance in the said matter which shall enlighten the situation of budget private school in Karnataka, we also request your reply to our dispute letter and do the needful.

Thanking you,

Yours Faithfully,

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Head Mistress/Secretary