

CHAPTER XX

**TAKING OVER OF MANAGERMENTS OF SCHOOLS
OR ACQUISITION OF SCHOOLS**

1. Taking over management of schools and fixation of rent:- (1) Whenever it appears to the Government that the manager of any aided schools has neglected to perform any of the duties imposed by or under the Act or the Rules made thereunder, and that in the public interest it is necessary to take over the management of the school, action shall be taken under these Rules for taking over the management of such schools for a period not exceeding five years, as the Government may decide.

(2) A notice shall be issued to the Manager of the schools and the Educational Agency, if any, in Form 18 to show cause within 10 days why action should not be taken for taking over of the management of the School.

(3) The objections, if any, received from the Manager and the Educational Agency, in response to the notice, shall be duly considered by the Government and if they are satisfied that there is no necessity to take over the management of the school, the Government shall order the withdrawal of the notice issued under sub-rule (2).

(4) If, however, the Government decide to take over the management of the school overruling the objections, if any, they may issue orders to the Collector to take such steps as may be necessary for the purpose.

[x x x x]

2. ²[(1) The Collector shall, on receipt of Government Orders under sub-rule (4) of rule 1 or under subsection (2) of section 14 of the Act, as the case may be take possession of the school immediately either by himself or by any officer authorised by him in this behalf. The claims for payment of rent under subsection (5) of section 14 of the Act may be made to the Collector.

(2) If any person refuses or fails to comply with the order of taking over of management, the Collector or any other Officer duly empowered by him in that behalf shall take possession of the school, and for that purpose use such force as may be necessary. A detailed list of lands, buildings and movable properties belonging to the school shall be prepared in duplicate. The list shall be attested by the manager or representatives of the Educational Agency and two respectable persons of the locality. Once

copy of the list shall be delivered over to the Manager or representatives of the Educational Agency, who shall be required to acknowledge receipt of such copy in the copy of the list retained by the Officer. If the manager or the representative of the Educational Agency refuses to acknowledge receipt of the copy, the same shall be affixed in a prominent place in the school]

3. The Collector shall cause a statement being prepared in Form 21 showing the annual rent and the total rent to be paid to the person or persons interested for temporary taking over of management of the school.

The statement may be got verified through an officer of Public Works Department not below the rank of an Assistant Engineer, if the Collector considers that such a step is necessary.

4. The Collector may also require the Manager of Educational Agency of the school to make and deliver to him at such time and place as may be fixed by him, a statement of the annual rent and total rent claimed for the period of management by Government, of the school, giving the basis on which the annual rent is claimed.
5. The Collector shall consider the claims preferred under the foregoing Rules and shall pass an award in Form 22 showing the annual rent to be paid for the temporary taking over of the management of the school, the total rent to be paid for the whole period of the management by Government and also the instalments of payment, having regard to the rates of rent prevailing in the locality for similar properties. In passing the award the Collector shall take into account the Government aid or grant, if any, given to the school and deduct from such award the rental value of such aid or grant calculated on any yearly basis. Copies of the awards shall be given free of costs to the interested person or persons on application.

³[The person receiving the annual rent fixed by the Collector shall be bound to undertake the annual maintenance and repairs to the building from time to time as directed by the Controlling Officer of the school. If the person fails to carry out the annual maintenance and repairs the officer appointed as Manager shall carry out the annual maintenance and repairs, meeting the expenditure from the maintenance grant of the school, and the expenditure so incurred shall be deducted from the amount of annual rent and the balance rent, if any due to him, alone need be paid as rent.

Note:- The Expression "interested person" includes all persons claiming any interest in the rent to be paid on account of the taking over of management.

6. **Acquisition of school-Mode of ascertaining value of the schools for payment of compensation:** - When Government are satisfied that it is necessary to take over an aided school for the reason stated in sub-section (8) of section 14 of the Act or any category of aided schools in any specified area or areas for any of the reasons stated in section 15 of the Act, they shall publish a notification in Form 23 (1) or (2) as the case may be, in the Gazette and the school or schools specified in such notification shall vest in the Government absolutely with effect from the date specified in the notification subject to exemption if any granted under section 16 of the Act.

No notification under this Rule so far as taking over of any category of aided schools in any specified area or areas as contemplated in Section 15 of the Act is concerned shall be issued unless the proposal for taking over is supported by a resolution of the Legislative Assembly.

7. The Collector or any officer empowered by him in that behalf shall take possession of schools on the date specified in the notification and for that purpose, may use such force as may be necessary.
8. (1) Compensation for the schools acquired shall be paid to the Manager or Educational Agency or to other persons entitled thereto. Such compensation shall be fixed on the basis of the market value of the school as on the date of the notification issued under Rule 6. In computing the compensation the amount of aid or ⁴[grant given by the Government, the amount of public contribution received and the amount of special fees utilised for the acquisition] construction or improvement of any property movable or immovable, for the purposes of the school shall be deducted from the total amount of compensation. In the case of movable property the compensation payable shall be the market value thereof on the date of notification or the actual cost thereof less the depreciation whichever is lower.
- (2) Where the person entitled to the compensation is a limited owner or has no power of disposal over the property acquired, or there is a dispute regarding the person entitled to compensation, the procedure followed in land acquisition case shall be adopted.
9. The Collector shall cause a valuation statement being prepared in Form 24. The statement shall be got verified by an Officer of the Public Works Department not below the rank of an Assistant Engineer, if and when found necessary.
10. The Collector shall issue notice in Form 25 to the Manager or the representatives of the Educational Agency or to other persons entitled to

receive the compensation amount, calling upon them to prefer claims and objections, if any, to the amount of compensation fixed in the valuation statement; on the date specified in the notice.

11. The Collector shall consider the evidence adduced on the date fixed for the enquiry or on any other date to which the enquiry may be adjourned and shall make an award under his hand in Form 26. Copies of the award shall be given free of cost on application to the persons entitled to compensation.
12. If the Collector and all the persons entitled to compensation in regard to any school, agree as to the amount of compensation allowed, the Collector shall make an award under his hand for the same.
13. **General:-** Service of a notice under these Rules shall be made by delivering or tendering a copy thereof to the person mentioned therein. When such person cannot be found, the service may be made to any adult member of his family residing with him and if no such adult member can be found, the notice may be served by affixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business or on the outer door of the school concerned.
14. The manager or the Educational Agency shall make the school records available for reference to the Collector or Officer or Officers authorised by him for ascertaining the actual cost of movable properties, the year of purchase, and the amount of aid or grant given by the Government for the acquisition, construction, improvement, or maintenance of any property of the school.
15. If any immovable property which shall be exempted under Section 16 of the Act is proposed by mistake to be taken over or acquired, the Manager or the Educational Agency shall apply for exemption of such property immediately on receipt of and in any case not later than the date fixed in the notice referred to in sub-rule (2) of Rule 1 or in the notification referred to in sub-rule (5) of Rule 1 or Rule 6 as the case may be. The application shall be made in writing to the Government by registered post with copies to the Collector, the Director and the Educational Officer.
16. An award made under these Rules should not be revised or amended by the Officer making the award even though the persons interested may consent to the revision or amendment.
17. Appeals to the District Court -(1) Every person interested and who has not accepted the order as per the award made under Rule 5 or 11, as the case

may be, or who is not satisfied with the apportionment of the amount of rent or of compensation as between the persons entitled thereto, may, by written application, to the Collector within 60 days of the date of such order, require that the matter be referred by the Collector to the District Court within the jurisdiction of which the school is situated, for the determination of the claim and the Collector shall make the reference accordingly.

(2) The application shall state the grounds on which objection to the order is taken.

18. In making the reference, the Collector shall state for the information of the Court, the situation of the school with particulars of the immovable and movable properties, the amount of rent or of compensation awarded, and the grounds on which the amount of rent or of compensation was determined.
19. The Court shall cause a notice to be issued specifying the day on which the Court will proceed to determine the objection and directing the applicant and other interested persons, if any, to appear before the Court on that day.
20. The scope of the enquiry in such proceedings shall be restricted to a consideration of the interest of the persons affected by the objection. The proceedings shall be taken in open Court.
21. (1) In determining the amount of rent or of compensation the Court shall take into consideration the basis fixed in the Act and these Rules.

(2) The amount awarded by the Court shall not exceed the amount claimed by the applicant before the Collector.
22. (1) Every award passed by the Court shall be in writing signed by the judge and shall be deemed to be a decree under the Code of Civil Procedure, 1908.

(2) The award made by the Court shall state the amount of cost incurred and the interest to be paid.
23. (1) The payment of the amount of rent or of compensation should be made within three months from the date of award except in cases in which applications for reference to Courts have been made by interested persons under Rule 17. The amount of rent or of compensation if not paid within a period of three months from the date of award, for any reason other than

the default of the claimants to receive payment, shall bear interest at 4 percent from the date of expiry of three months. A notice should be sent to the persons interested intimating that the amounts as per the award should be claimed either personally or through a duly authorised agent within a time to be specified in the notice.

(2) In cases in which reference to Court has been made the amounts awarded shall be deposited in court.

(3) If any person interested does not appear within the time specified the amount due shall be paid into the Treasury as revenue deposit. The Collector shall give notice to the persons interested, of such deposit in the Treasury. The amount so deposited shall be paid whenever the persons entitled thereto claim it in the same manner as ordinary revenue deposits.

24. Nothing in the Rules in this Chapter shall apply to Minority schools.

1. Sub--rule (5) omitted by G.O. (P) 245/87/G. Edn. dated 17-12-1987 published in gazette dated 17-12-1987 with effect from 1-6-1987. The omitted portion is "(5) In cases of emergency where the Government are satisfied that the management of the school has to be taken over immediately in the interests of the pupils of the school, they may publish a notification in the Gazette in Form 19 and on the expiry of the period specified in the notification and subject to exemption, if any, granted under Section 16 of the Act, issue orders to the Collector for taking over the management of the school".
2. Substituted by G. O. (P) 245/87/G. Edn. dt. 17-11-87 with effect from 1-6-87 published in Gazette dt. 17-12-87.
3. Added by G. O. (P) 133/74/G. Edn. dated 15-7-1974 and published in gazette dated 27-8-1974.
4. Substituted for "grant given by the Government for the acquisition" by notification published in gazette dt. 5-3-1968.