

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA No.455/2009

Date of Decision : 11th September, 2009

MASTER RAHUL SETH (MINOR)

THRU. FATHER Appellant

Through Mr. Ashok Aggarwal, Ms. Kusum Sharma, Advs.

Versus

MOUNT CARMEL SCHOOL & ANR. Respondents

Through Mr. A. K. Sakhuja, Mr. Puneet Saini, Advs.
for the respondent no.1
Mr. N. Waziri, Adv. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE MUKUL MUDGAL

HON'BLE MS. JUSTICE REVA KHETRAPAL

1. Whether the Reporters of local papers
may be allowed to see the judgment? Yes
2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be
reported in the Digest? Yes

% **J U D G M E N T(Oral)**

MUKUL MUDGAL,J.

CM 12869/2009(exemption)

Allowed, subject to all just exceptions. The application stands disposed of.

LPA No.455/2009 & CM 12868/2009(directions)

1. With the consent of the learned counsel for the parties, this LPA is taken up for hearing.
2. This LPA challenges the judgment dated 31st August 2009, by which the learned Single Judge declined to interfere with the suspension order of Rahul Seth at the behest of the appellant Rajiv Seth, who is the father of the said 13 year old child, studying in the respondent no.1 school, i.e., Mount Carmel School. The misdemeanour averred against the said child, Rahul Seth relates to the misplacement of the belt of the child in his school uniform, which resulted in the school seeking an open apology from his parents, which was not tendered by them. The learned Single Judge noted that even before the learned Single Judge the father of the child expressed no regret or remorse in respect of grievance raised by the respondent school.
3. We are happy to note that before us the learned counsel for the appellant as well as the respondent no.1 have shown a positive attitude both for the benefit of the student's career and for retaining the good name of the respondent school. An agreement has been reached to tender the

apology sought by the school from the parents of the child, with a slight modification by this Court. Though we are of the view that such disputes are best sorted out in the school itself and should not travel to courts of law, as in such a situation the atmosphere of the school gets vitiated and injury is also likely to be caused to the tender psyche of the child, we are not oblivious to the fact that a situation may arise where the Court's intervention may be called for and may be beneficial for both the school and the student. Occasionally, the school may act more sternly than necessary as is averred in the present case or conversely an obdurate parent may not toe the disciplinary line of the school. In either eventuality, we cannot help but observe that a disciplinary matter relating to a school ought not to be publicized, particularly through the media. We say so as this in our opinion is absolutely necessary to ensure that the future of a child who may have committed a mistake, is not affected in the controversy which is bound to ensue, more so if the child as in the instant case is at the crucial stage of his formative years in the school. The reputation of the school and its other students also in our view may not be able to take the strain of adverse publicity.

4. We have made a slight correction in the apology in writing handed over to us by the learned counsel for the appellant and thereafter the said apology has been signed by the child's mother Smt. Rashmi Seth. The said apology signed by the child's mother has been handed over in Court to the

learned counsel for the respondent no.1 school and as the child's father is stated to be in Mumbai it will be counter signed by the child's father Shri Rajiv Seth as soon as he is back from his business trip to Mumbai.

5. The child shall accordingly start attending the school from 14th September, 2009. We are happy to note that this episode has ended amicably and we hope and trust that both the parties will start afresh, with a clean slate, and forgive and forget this regrettable episode, without nurturing any rancour or ill-feeling. Since it has been stated by the learned counsel for the respondent school that this matter has attracted the attention of the media (in our view needlessly so) to the detriment of the reputation of the school, and since the incident has already been publicized, it will be open to the respondent school to bring to the notice of the media the fact that the matter has been resolved to the mutual satisfaction of both the parties through an apology tendered in Court by one party which has been graciously accepted by the other in the better interests of the future of the child and the school.

6. With the above directions and observations, the appeal stands disposed of along with the pending application.

MUKUL MUDGAL, J

REVA KHETRAPAL, J

SEPTEMBER 11, 2009/dr