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

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W.P.(C) 2120/2016 & CM APPL. 9113/2016

MAXFORT SCHOOL

..... Petitioner

Through: Mr. V.K. Tandon, Advocate with

Mr. Pardeep Kumar, Advocate.

versus

THE LIEUTENANT GOVERNOR, DELHI & ORS ..... Respondents

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**01.04.2016**

Present writ petition has been filed challenging the order dated 01<sup>st</sup> December, 2015 passed by the Deputy Director of Education. The relevant portion of the said letter reads as under:-

*“Subject:- Regarding directions for re-admitting the students whose names have been struck off on the ground of non-payment of fees.*

*Reference : Your mail dated 30.11.15.*

*Sir/Madam,*

*This is with reference to the subject mentioned above, it is hereby directed to immediately re-admit the students whose names have been struck off from the school on the ground of non-payment of dues fees as it is understood that the parents are ready to give an undertaking to pay the fee within two months.*

*Compliance to this effect must reach to the office of the undersigned latest by tomorrow i.e. 02.12.15 by 5.00 P.M. positively.”*

(emphasis supplied)

In the opinion of this Court, the aforesaid letter directed the petitioner-school to re-admit the students whose names had been struck off as the parents had undertaken to the Directorate of Education to pay the fee within two months.

It is the case of the petitioner that fee has not been paid by the defaulting students even after the expiry of two months.

Since the impugned letter has worked itself out, this Court is of the view that petitioner-school should approach the Directorate of Education to seek permission to take action against the defaulting students.

At this stage, learned counsel for petitioner-school states that petitioner-school has received a new communication dated 23<sup>rd</sup> March, 2016 from the Directorate of Education.

Since the communication dated 23<sup>rd</sup> March, 2016 has not been placed before this Court, the same cannot be adjudicated upon in the present proceedings. If the petitioner-school wishes to challenge the said communication, it is open to the petitioner-school to file appropriate proceedings in accordance with law.

With the aforesaid observations and liberty, the present writ petition and application are disposed of.

**MANMOHAN, J**

**APRIL 01, 2016**

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