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

+ W.P.(C) 2435/2016 & C.M.Nos.10422-10423/2016

RACHNA DHANDA AND ORS Petitioners

Through Mr.Ashok Agarwal, Advocate.

versus

ST. MARKS SR. SEC. PUBLIC SCHOOL & ORS Respondents

Through Mr.Akhil Sibal with Mr.Vedanta
Varma, Mr.Pradeep Chandra and
Mr.Vibhor Kush, Advocates for R- 1
to 3.
Ms.Swaty Singh Malik with Mr.Ajay
Kumar, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **21.03.2016**

Present writ petition has been filed challenging the Circulars dated 26th September, 2014, 18th November, 2014 and 27th February, 2015.

Learned counsel for the petitioners states that the respondent no.1-school vide impugned circulars has arbitrarily hiked the fee structure in order to create air-conditioned classrooms for students. He contends that there can be no fee hike on account of capital expenditure.

On the other hand, Mr.Akhil Sibal, learned counsel for respondent nos. 1 to 3 states that the circular dated 18th November, 2014 had been withdrawn. He further states that in pursuance to the

complaint filed by the petitioners, the officials of the Director of Education had inspected the petitioners' school premises on 30th March, 2015 and 4th April, 2015 and found that the fee hike had taken place with consent of parents and Director of Education's nominee in the meeting held on 23rd December, 2014.

He also states that only 182 students out of 5315 students have come to the Court, and according to him, it constitutes less 2% of fee paying students. He states that even out of 182 students that have approached the Court, 80 students have paid the fee.

In any event, this Court finds that the petitioners' representation dated 7th January, 2015 has not been disposed of by the Director of Education till date. Consequently, the Director of Education is directed to dispose of the petitioners' representation dated 7th January, 2015 as expeditiously as possible, preferably within a period of three weeks, after giving notice to the petitioners as well as to the respondent no.1/school. In the meantime, the respondent no.1/school is directed not to take any coercive steps against the student/s on the ground of non-payment of amount spent on purchasing of air conditioners. Fresh fee bills, if required, shall be raised by the respondent no.1/school in accordance with this order within a period of one week.

It is clarified that this order shall not apply to the entry-level classes.

With the aforesaid directions, the present writ petition and the applications are disposed of.

MARCH 21, 2016
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MANMOHAN, J