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

+ **W.P.(C) 3556/2016**

COORDINATION COMMITTEE OF PUBLIC SCHOOLS

..... Petitioner

Through Mr.Prashant Narang, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through Mr.Santosh Kumar Tripathi, ASC for
GNCTD.

Ms.Puja Kalra, Advocate for R-2.

Ms.Shobha Gupta with Mr.Ankit
Malhotra, Advocates for R-3.

Mr.Siddharth Joshi, Advocate for R-
4.

Mr.Anik Grover, Standing Counsel
with Ms.Noopur Singh and
Mr.Mishal Vij, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **29.04.2016**

Present writ petition has been filed challenging the respondent No.1's Circular dated 22nd March, 2013 insofar as it prescribes the minimum land area to be possessed by a school for middle/elementary level at 700 sq. mtrs. The petitioner further prays for a direction to the respondents to allow private primary schools with minimum 200 sq. yards and above to run middle level classes in second shift provisionally till the respondent No.1 comes up with a new policy.

Learned counsel for petitioner states that the requirement of

700 sq. mtrs. for a middle school is unreasonable and arbitrary when the land requirement for primary school is merely 200 sq. yds. He further states that the criteria of owning such large land area is a deterrent and causes scarcity of middle level school seats.

However, this Court is of the opinion that the land requirement as well as permission to allow private primary schools to run middle level classes in second shift are a policy decisions and the Courts normally do not interfere with such decisions in writ jurisdiction.

As far as the plea with regard to equality is concerned, this Court is of the view that “Equality before the law” means that amongst equals the law should be equal and should be equally administered and that ‘like’ should be treated ‘alike’. Consequently, what Article 14 of the Constitution forbids is discrimination between persons who are substantially in similar circumstances or conditions. Unequal treatment does not arise between persons governed by different conditions and different sets of circumstances. The rule is that ‘like’ should be treated ‘alike’ and not that ‘unlike’ should be treated ‘alike’.

Consequently, as the primary schools and the middle level schools are not alike, this Court is of the view that the present writ petition is bereft of merits and the same is dismissed accordingly.

MANMOHAN, J

APRIL 29, 2016

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