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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5256/2016

ACTION COMMITTEE UNAIDED

..... Petitioner

Through: Mr. Kamal Gupta, Advocate.

versus

DIRECTORATE OF EDUCATION,

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel

with Mr. Gautam Narayan and

Mr. Santosh Kumar Tripathi, ASC

with Mr. Siddhartha Shankar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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31.05.2016

CM Appl. 21885/2016 (exemption) in W.P.(C) 5256/2016

Allowed, subject to just exceptions.

W.P.(C) 5256/2016 & CM Appl. 21884/2016

Present writ petition has been filed seeking a direction to the respondent-Directorate of Education to extend the last date for filing the returns and documents as per Appendix-II for seeking a prior sanction of Directorate of Education for increase in fees from 31st May, 2016 as specified in the Circular dated 16th April, 2016 to 31st July, 2016.

It has been averred in the petition that vide Circular dated 16th April, 2016, respondent-Directorate of Education directed all Private Unaided

Schools which had been allotted land by the land owning agencies to seek its prior sanction for increase in fees if there were such a covenant in the lease deed and submit their proposal for increase in fees by uploading their returns and documents as per Appendix-II latest by 31st May, 2016.

The aforesaid Circular was passed in pursuance to the judgment of this Court in W.P.(C) 4109/2013.

Learned counsel for petitioner states that review petitions and SLP have been filed against the judgment in W.P.(C) 4109/2013 and the same are pending adjudication. He further states that the order dated 16th April, 2016 inasmuch it seeks to prepone the date of filing of return under Appendix-II is violative of Rule 180 of DSEAR which prescribes the last date to be 31st July, 2016 every year.

Learned counsel for respondent are agreeable to extend the last date for filing of documents and return till 31st July, 2016 provided the members of the petitioner association covered by the Division Bench judgment do not implement any fee hike till the said date.

The suggestion made by learned counsel for respondent is fair and reasonable.

Consequently, present writ petition and application are disposed of by extending the deadline to furnish documents as well as returns till 31st July, 2016. However, it is clarified that members of the petitioner association who are covered by the judgment of this Court in W.P.(C) 4109/2013 shall not implement or levy any fee hike till 31st July, 2016. The list of members of the petitioner association shall be furnished to the respondent-Directorate of Education within a period of one week.

It is clarified that the present order is applicable only to the petitioner association as well as its members and the same has been passed without prejudice to the rights and contentions of the parties in pending proceedings.

Order dasti.

MANMOHAN, J

MAY 31, 2016

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