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

+ W.P.(C) 592/2010

KALGIDHAR KHALSA SR. SEC.SCHOOL
SOCIETY (REGD.)

..... Petitioner

Through: Mr. Ashish Upadhayay, Adv.

Versus

DIRECTOR OF EDUCATION

..... Respondent

Through: Mr. Vinod Kumar Bhati, Adv. for Mr.
Devesh Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.03.2016

1. The petitioner claiming to be a society registered under the Societies Registration Act, 1860 has filed this petition seeking mandamus to the respondent Director of Education (DoE), Govt. of NCT of Delhi (GNCTD) “to authorise / empower and recognise the petitioner Society to run” Kalgidhar Khalsa Senior Secondary School, Subhash Nagar, New Delhi, a Government aided school.

2. Notice of the petition was issued and the petition is pending in this Court for the last over six years. Rule was issued on 20th January, 2011. Today, on first call, passover / adjournment was sought on behalf of the petitioner Society. However, finding the petition to be misconceived, the presence of the counsel for the petitioner Society was insisted upon. The counsel for the petitioner Society has now appeared and has been asked to

show the duty / obligation under the law i.e. Delhi School Education Act, 1971 and the Delhi School Education Rules, 1973 cast on the respondent DoE to do, for what mandamus is claimed.

3. The counsel for the petitioner after much searching draws attention to Rule 50 of the Delhi School Education Rules which lays down conditions for recognition of a school.

4. However, the relief claimed is not of recognition of the school. The relief claimed is of recognition of the petitioner Society as authorised to run the school. The fact that the school is already recognised follows from the school being a Government aided school; if it was not a recognised school, the question of grant of Government aid thereto would not have arisen.

5. The counsel for the petitioner Society is unable to show any duty of the respondent DoE to so recognise the petitioner Society. In fact, under the Act and the Rules aforesaid, the management of the school vests in the managing committee of the school, constituted as per the scheme of management sanctioned at the time of recognition of the school.

6. The petition is clearly misconceived and is dismissed with costs of Rs.10,000/- payable to the Delhi High Court Lawyers' Welfare Fund, within four weeks of today.

RAJIV SAHAI ENDLAW, J.

MARCH 09, 2016

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