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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 210/2017

BALA PRITAM GURU HARKISHAN

INT' PUBLIC SCHOOL

(OLD NAME UPRAS VIDYALAYA)

..... Petitioner

Through: Mr. Priyank Kher, Advocate with
Mr. Mukesh Kher, Advocate.

versus

SAUMYA GUPTA & ORS

..... Respondents

Through: Mr. Sachin Nahar, Advocate for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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10.03.2017

CM Appl. 9743/2017 (exemption) in Cont.Cas(C) 210/2017

Allowed, subject to just exceptions.

Cont.Cas(C) 210/2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 24th December 2014 passed by a Coordinate Bench of this Court in W.P.(C) 2556/2013 whereby the respondent No.1-Director of Education was directed to consider the request of the petitioner for change of school name in accordance with law within six weeks by way of a speaking order.

It has been averred in the petition that in the earlier Contempt case being Cont.Cas(C) 145/2015 preferred by the petitioner, this Court had recorded the fact that petitioner's representation for change of name had been allowed by the respondents vide order dated 18th May, 2015.

Learned counsel for petitioner states that despite the aforesaid order, respondents have only changed the name of the petitioner school, but have not approved the Scheme of Management in the new name. He further states that the name has also not been changed in the CBSE record.

On the other hand, learned counsel for respondents states that the conditions for change of name in the Scheme of Management had not been complied with by the petitioner.

In rejoinder, learned counsel for petitioner states that the terms and conditions which the respondent had been asked to comply with have in fact not been complied with and he states that thereafter number of reminders were also sent to the respondents.

A perusal of the order dated 24th December, 2014 reveals that the Directorate of Education was only directed to consider the request of the petitioner for change of name within six weeks. It did not specifically direct that in the Scheme of Management, the name would be changed. In any event, in view of the stand taken by the learned counsel for respondents, disputed questions of fact arise for consideration.

Consequently, this Court is of the view that there is no wilful disobedience of the order dated 24th December, 2014 inasmuch as the name of school has been changed.

If the petitioner is aggrieved by the inaction of the respondents in changing the name of the school in the Scheme of Management, then the

petitioner is at liberty to file alternative proceedings in accordance with law.

With the aforesaid liberty, present contempt petition is disposed of.

MANMOHAN, J

MARCH 10, 2017

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