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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 498/2017 & CM APPL. 26316-26317/2017
ACTION COMMITTEE UNAIDED RECOGNIZED PRIVATE
SCHOOLS (REGD) Appellant

Through: Mr.Akhil Sibal, Sr.Adv. with Mr.
Kamal Gupta, Adv.

versus

DIRECTORATE OF EDUCATION Respondent

Through: Mr.Naushal Ahmed Khan ASC with
Mr. Gautam Narayan ASC, GNCTD.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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03.08.2017

1. The present appeal has been filed by the appellant/Committee, assailing an order dated 18.07.2017 passed by the learned Single Judge in a petition filed by it (W.P.(C) No. 6031/2017), praying *inter alia* for quashing the recommendations of the Fee Hike Committee (earlier known as the Justice Anil Dev Committee) on the ground that the said recommendations are beyond the jurisdiction conferred on the Committee in terms of the judgment dated 12.08.2011 passed in W.P.(C) 7777/2009 and the direction of the Supreme Court in the cases of *T.M.A. Pai Foundation & Ors., Modern*

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School, P.A. Inamdar etc.

2. By the interim order dated 18.07.2017, the learned Single Judge has declined to grant any interim relief to the member of the appellant/Committee and observed that if an interim order is passed, the same shall be subject to the parties concerned depositing the entire tuition fee as also the development fee along with interest @ 9% per annum, as per the recommendations made by the Fee Hike Committee.

3. The appellant/Committee represents 401 unaided recognized private schools located in Delhi. We have enquired as to how can the appellant in a representative capacity seek blanket interim orders for restraining the respondent/Directorate of Education from initiating action against individual schools for non-compliance of the recommendations made by Free Hike Committee when the fact position in every case will have to be examined as accounting procedures of every school will vary and the Tuition fee and Development fee would also be variable.

4. Mr. Akhil Sibal, learned Senior Advocate appearing for the appellant submits that the Committee has raised the larger jurisdictional issue in respect of the scope of the recommendations made by the Fee Hike Committee and the right of the member/schools to incur capital expenditure on their own development from the tuition fee received by them or for any other developmental activity of the schools.

5. We are of the opinion that by filing a writ petition in a representative capacity, the appellant/Committee cannot pray for a blanket restrain order against the Respondent/Directorate more so when the financial position in the case of every school will be different and specific recommendations have

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been made by the Fee Hike Committee in each case after examining the records produced before it. It is a different matter that the appellant/Committee can address the larger issue in the writ petition.

6. The prayer made in the appeal for setting aside the impugned order, is therefore, declined. It is however made clear that the view expressed above is limited to the legality of the interim order passed in the pending writ petition and shall not be treated as an expression on the merits of the issues raised by the appellant/Committee for adjudication.

7. The appeal is dismissed along with the pending application.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 03, 2017/*mr*