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

\+ W.P.(C) 1011/2018 & CM Nos.4293-94/2018

NAYA SAMAJ APPEJAY PARENTS ASSOCIATION AND ANR ..... Petitioners

Through: Mr.Parveen Chaturvedi with Mr.Dilbag Singh, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS..... Respondents

Through: Mr.Satyakam, ASC with Dr.A.K. Tyagi, DEO, Zone-23 for R-1.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

O R D E R

% **13.02.2018**

1. Vide the present petition, the petitioner No.1 which is admittedly an unregistered association has approached this Court with the following prayers:-

> "a) Pass a writ in the nature of mandamus or any other appropriate writ to the Respondent no.1 & 4 to audit the accounts of the Respondent nos.2-3 in time bound manner; and;
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> b) Pass a writ in the nature of mandamus or any other appropriate writ to the Respondent no.1 & 4 to furnish the audit report before this Hon'ble Court for appropriate orders for refund of excess fee arbitrarily collected by Respondent nos.2-3;

c) Pass such other or further order/orders or direction/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Petitioner No.2 claims to be the Secretary of this unregistered association i.e. petitioner No.1. On a query by the Court as to how the petition is maintainable on behalf of petitioner No.1 in its present form, learned counsel for the petitioners submits that the petitioner No.1 has applied for registration with the SDM Registrar of Firm and Society, Saket, New Delhi on 10.01.2018. Be that as it may, since the petitioner No.2 claims to be a parent of a student studying in the respondent No.2-school i.e. Apeejay School, the respondent No.1 were, on the last date, asked as to obtain instructions as to whether they are taking steps to examine the accounts of the school and carrying out inspection and supervision in accordance with Rule 190 and 192 of the Delhi School Education Rules.

3. Today, Mr.Satyakam, learned counsel for respondent No.1, on instructions, from Dr.A.K. Tyagi, DEO submits that keeping in view the statutory duty as well as complaints received by the said respondent regarding the fee structure, fee hike and other connected issues relating to respondent No.2-school, the respondent No.1 has already constituted a 10 Member Committee for carrying out a detailed inspection of the records of respondent No.2-school. He submits that upon

examination of the records and accounts of respondent No.2-school, the inspection team will give its recommendations within 8 weeks and submit a report about the working of the school including the accounts maintained by the school. He further submits that if upon examination of the records of respondent No.2 as also the report to be given by the Special Inspection Committee, if the need so arises, respondent No.1 would be entitled to get the accounts audited.

4. At this stage, I deem it appropriate to refer Rule 190(1) and 192(2)(g) of the Delhi School Education Rules which are reproduced below:-

> "**190. Inspection and supervision of schools – (1)**The Director shall be responsible for the supervision and inspection of all recognised schools, whether aided or not.
>
> **192(2)** In making the inspection the following items shall be critically examined, namely:
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> **(g)** Accounts of the school and their maintenance"

5. Having heard learned counsel for the parties, I am of the considered opinion that in view of the statutory duty imposed upon respondent No.1 and consequential steps being taken by respondent No.1 to carry out a detailed inspection of respondent

No.2-school, the prayers made by the petitioner no longer survives.

6. It is however, made clear that in case after the proposed inspection is completed by respondent No.1, the petitioner is still aggrieved, he will be at liberty to take appropriate steps as permissible under law.

7. The petition is disposed of with the aforesaid directions. The pending applications also stand disposed of.

REKHA PALLI, J

FEBRUARY 13, 2018
gm