

\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1951/2017**

NATIONAL FEDERATION OF THE BLIND Petitioner

Through: Mr. S.K. Rungta, Sr.Adv. (petitioner
in person) with Mr. Shivankur
Shukla, Mr. Varun Gupta and
Mr. Siddharth Jain, Advs.

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through: Mr. Ramesh Singh, Standing Counsel,
GNCTD with Mr. Chirayu Jain, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **20.09.2018**

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the above it is most respectfully prayed that your Lordship may be pleased to:

- a) Issue a writ of certiorari or any other appropriate writ order or direction thereby calling for the records relating to the action for closure of respondent no.3 residential blind school by the respondent no.1 & 2, examine the same and declare the said impugned action illegal and without authority of law;*
- b) Issue a writ of mandamus or any other appropriate writ order or direction thereby directing the respondents to continue to run the respondent no.3 school and provide all educational facilities including boarding and lodging facilities which have been available to the students of respondent no.3 school*

till date.

- c) Issue a writ of prohibition or any other appropriate writ order or direction thereby restraining the respondent nos.1 and 2 from pressurizing the parents / guardians of the students of the respondent no.3 school to withdraw their wards from the respondent no.3 school and admit them in other school and / or from withdrawing any or all facilities available to the students right from the date of taking over the management of respondent no.3 school by respondent nos. 1 & 2 till date.*
- d) Grant any other relief which Your Lordship deem fit and proper in the facts and circumstances of the case.”*

2. The case of the petitioner is that the respondent no.3, residential school was set up by its founder namely Purushottam Das and was being run by a registered society. The school imparts education up to Class-VIII and thereafter the students of the School are being provided hostel facilities for pursuing further studies. In 1980, there were complaints about the management of the society, as a result of which the said school and hostel was taken over by the respondent no.2 under Delhi School Education Act. It is averred that the respondents have started making attempts to close down the school and evict the inmates of both of the school and the hostel from the premises without any rhyme or reason.

3. Respondent no.2 has filed an affidavit wherein it is stated that vide order dated 4th November, 1980 respondent no.2 has taken over the

management of the respondent no.3 / school. Respondent no.2 has not issued any order regarding closure of respondent no.3/school. It is also stated that the respondent no.2 has acted strictly in compliance of the orders passed by this court on 7th May, 2010 in W.P.(C) 3444/2008.

4. Mr. S.K. Rungta, learned Sr. Counsel (petitioner in person) would contend that the plot of land at Hari Nagar having been allotted to the Blind Welfare Social Society in the year 1979 possession should be given, so that a composite school till Class-XII is made functional on the said land.

5. We find that from time to time various orders have been passed by this court in this petition. In the order dated 14th November, 2017, this court has in Para 13 clearly noted that the only issue which arises for consideration is with regard to the land allotment to the Blind Welfare Social Society. The court also noted the fact that the land has been taken over by the Directorate of Education and Govt. Boys Sr. Secondary School is running on the said plot of land, since 1st April, 2012 and over one thousand students are undertaking education there. Further in Paras 14, 15 and 16, this court has stated as under:

“14. The respondents have placed before us a copy of the cancellation order dated 30th January, 1984 (page 176) whereby the lease dated 30th May, 1973 in favour of the Blind School Welfare Society of the plot of land for school in Zone

G-8, Hari Nagar stood cancelled. Also on record is the letter dated 15th March, 1993 (page 185) to the Director (Institutional) of the Delhi Development Authority whereby the date for taking over of the site of the above land was fixed for 24th March, 1993. It is stated by Mr. Ramesh Singh, Id. Standing Counsel for GNCTD that pursuant thereto, the possession of the land was taken over and the respondents have established the Government Boys Senior Secondary School which has so many students.

15. It appears that the order has been passed after the building had also been partially raised. The petitioner has submitted that there is no reason as to why the school at Panchkuian Road should not be transferred to the facilities being run at Hari Nagar for the blind students.

16. This aspect deserves to be examined by the respondents. Let the same be so done. Let the outcome of the consideration be placed before us on the next date of hearing.”

6. Our attention has been drawn to the report of the committee constituted by the competent authority pursuant to the order of this Court dated 14th November, 2017, a reference of which is made above. The committee consisted of Regional Director (Central); Regional Director (West), Deputy Director (C/ND); Deputy Director (West-A). The terms of reference of the committee were the following:

“The committee in its finding and recommendation has stated as under:

- (i) To examine aspect of shifting of Andh Mahavidyalaya, Punchkuain Road, New Delhi to Govt. School, Hari Nagar, Delhi.
- (ii) To ensure the shifting of old inmates residing in Andh Mahavidyala Punchkuian Road, New Delhi in compliance of

the order / directions dated 14/11/2017 as passed by Hon'ble High Court of Delhi in W.P.(C) No. 1951/2017”

7. The Committee in its report has given the following findings / recommendations:

“i) After having meticulous examination of the facts and circumstances of the present case keeping in with the order / judgment of Hon'ble High Court of Delhi, the committee is of considered opinion that the Deputy Director of Education (C/ND) must take up the matter of shifting of Older/Unauthorised inmates of Andh Maha Vidyalaya, Punchkuian Road, New Delhi to Sewa Kutir and National Facilities of Blind, Faridabad on priority in terms of the directions of Hon'ble High Court of Delhi. In case of any obstacles, the DDE (C/ND) may bring the facts thereof to the notice of higher authorities so as to ensure shifting of these inmates to their respective places at the earliest.

ii) On the point of shifting of Andh Maha Vidyalaya, Punchkuian Road, New Delhi to Govt. Boys Sr. Sec. School, Clock Tower, Hari Nagar, New Delhi the committee has observed that there appears no apparent reason for shifting of Andh Maha Vidyalaya, Punchkuian Road, New Delhi on the following grounds:-

- a) The Land on which Govt. Boys Sr. Sec. School, Clock tower, Hari Nagar, New Delhi belongs to Directorate of Education as is evident from possession proceedings dated 24/03/1993.*
- b) The Govt. Boys Sr. Sec. School, Clock Tower, Hari Nagar, New Delhi does not have any residential facility for visually challenged / blind students and the school is functional for normal / inclusive education.*
- c) The Govt. Boys Sr. Sec. School, Clock Tower, Hari Nagar, New Delhi is already*

- facing acute shortage of facilities / building.*
- d) The accommodation / facilities at Andh Maha Vidyalaya, Punchkuian Road, New Delhi are sufficient and adequate for the present strength of bonafide students of Class I to VII.*
 - e) The Blind school Welfare Society does not have any right, title or ownership on the land / building of Govt. Boys Sr. Sec. School, Clock Tower, Hari Nagar, New Delhi.*
 - f) The Committee is completely in agreement with the contention of the DDE-West-A that the shifting of Andh Mahavidyalaya Panchjuian Road New Delhi to GBSSS Clock Tower, Site-II Hari Nagar Delhi is not feasible.”*

8. In view of the aforesaid findings, it is clear that the land at Clock Tower, Hari Nagar belongs to Directorate of Education and is in possession of the same since 24th March, 1993. That apart, a Govt. Boys Sr. Secondary School is being run from the said land and the Blind Welfare Social Society has no right, title or ownership on the said land.

9. In view of the aforesaid conclusion of the committee, we do not find any merit in the petition. The petition is dismissed.

CM. Nos. 8669/2017 & 12479/2018 (for stay)

CM. No. 17588/2017 (for direction)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 20, 2018/jg