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

+ W.P.(C) 3586/2018

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Date of decision: 22nd May, 2018

SOCIAL JURIST, A CIVIL RIGHTS GROUP..... Petitioner

Through : Mr. Ashok Agarwal, Adv.

versus

S.L.S. D.A.V. PUBLIC SCHOOL AND ORS... Respondents

Through : Mr. Anurag Lakhota, Adv. for
R-1&2.

Mr. Sanjoy Ghose, ASC,
GNCTD with Ms. Urvi Mohan,
Adv. for GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition, filed in public interest by the petitioner, complains that unaided recognized private schools, namely, S.L.S. D.A.V. Public School, Musam Vihar, Delhi – 110051 and D.A.V. Public School, Sector – 7, Rohini, Delhi compel EWS category students, who are enjoying the free ship, either to pay fees after they pass class VIII in the academic year 2017 – 18 or to take transfer certificate to shift to other schools.

2. It is contended that this was in violation of the rights available to the students who belong to Economically Weaker Section under Articles 14, 15, 21, 21-A, 38 and 41 of the Constitution of India read with provisions of Delhi Schools Education Act, 1973 as well as Right of Children to Free and Compulsory Education Act, 2009 and the rules framed thereunder.

3. The petitioner made a grievance that Government of NCT of Delhi had failed to implement the provisions of Rules 11(3) of Delhi Right of Children to Free and Compulsory Education Act, 2011.

4. It is submitted by Id. counsel for respondent nos.1 and 2 that without prejudice to the rights and contentions of these respondents, they have permitted free ship to the students from the EWS category even after class VIII to comport the allotment and lease deed executed by these respondents with the Delhi Development Authority.

5. In this regard, reference is also made to the order dated 25th January, 2007 of the Government of NCT of Delhi mandating that free ship has to be given to 20% of the strength in each class in the school, which has been allotted land on concessional rate by the DDA.

6. It is further contended by counsel for respondent nos.1 and 2 that Right to Education Act is concerned only with education elementary class and no right and entitlement to free education is conferred under any statutory provisions to the child who have completed class VIII and are no more in the elementary classes.

7. Given the above narration of facts in the present case, we are not expressing any opinion on this issue and leaving it open for consideration and adjudication in an appropriate proceedings.

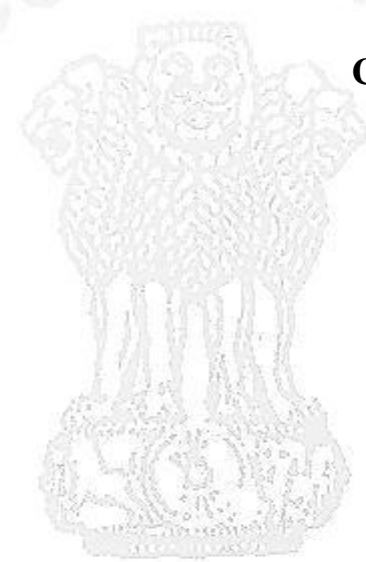
8. This writ petition is disposed of in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MAY 22, 2018

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