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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd December, 2018

+ W.P.(C) 12996/2018 & CM APPL. 50424/2018 (*exemption*)

MISS DIYA MADAN THROUGH FATHER PARAS
MADAN AND ORS. Petitioner

Through: Mr. Khagesh B.Jha, Adv. with
Ms. Shikha Sharma Bagga, Advs.

versus

MAXFORT SCHOOL PITAMPURA AND ANR . Respondents

Through: Mr. Sanjay Kumar Singh, Adv.
for R-1

Mr. Santosh Kumar Tripathi, ASC with
Mr.Yogesh Kumar, DEO, Zone XI

+ W.P.(C) 13007/2018 & CM APPL.50459/2018 (*exemption*)

MASTER KUSHAGRA GUPTA, THROUGH FATHER
ANKUSH GUPTA AND ORS. Petitioners

Through: Mr. Khagesh B.Jha, Adv. with
Ms. Shikha Sharma Bagga, Advs.

versus

MAXFORT SCHOOL ROHINI AND ANR. Respondents

Through: Mr. Sanjay Kumar Singh, Adv. for
R-1

Mr. Santosh Kumar Tripathi, ASC with
Mr.Yogesh Kumar, DEO, Zone XI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

03.12.2018

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1. Mr. Jha, appearing for the petitioners, draws my attention to the order, dated 18th July, 2018, passed by the Deputy Director of

Education, dealing with complaints filed by parents of the Respondent No.1-school (hereinafter referred to as “the School”).

2. He points out that the said order notes that the allegations made in the complaint had been earlier examined by the Directorate of Education and various orders have been passed by the competent authority, culminating in orders for taking over of the School being issued by the administrator, but that the said orders were stayed by this Court, before whom the matter was *sub judice*.

3. Mr. Jha points out that this aspect was clarified by this Court as far back as on 31st August, 2017 in CM Nos.31755/2017 and 31756/2017 in WP(C) 6784/2016 (***Maxfort School Rohini v. Lieutenant Governor of Delhi***).

4. In the said order this Court noticed as under:

“ It is seen that by the order dated 03.08.2016, this Court had directed that no coercive steps would be taken pursuant to the order dated 03.08.2016 passed by the Directorate of Education. The learned counsel for the applicant states that in view of the said order, the Directorate of Education is not taking any further steps with regard to their complaints.

In this regard, it is clarified that the order dated 03.08.2016, passed by this Court, restraining the respondents from taking any coercive steps against the petitioner was confined in its operation to the subject matter of the present petition; that is, the taking over of the management of the petitioner school. To that extent, the respondents were interdicted from taking any coercive steps. The said order does not come in the way of the respondents from passing and implementing any other orders in accordance with law and also does not absolve the petitioner from the obligation complying with the same.”

5. In view thereof, it is clear that the pendency of the said writ petition, before this Court, is not an impediment to the Directorate of Education examining the complaints of the parents of the students, who are the petitioners in the present case.

6. Learned counsel for the School has no objection to this arrangement.

7. The Directorate of Education is, accordingly, directed to consider the said complaints, to the extent they deal with fee determination and arrears of fees, and pass a detailed and speaking order thereon within four weeks from today.

8. These writ petitions stand disposed of in the above terms. All other issues in these writ petitions shall remain open.

9. Needless to say, should the petitioners be aggrieved thereby, their remedies, in law, would remain reserved.

A copy of this order be given *dasti* under the signature of the Court Master.

C. HARI SHANKAR, J

DECEMBER 3, 2018

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