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

+ WP(C) 3110/2020

APOORVA KUMARPetitioner
Through: Petitioner in person with Mr. Rishabh
Dua, Advocate

versus

GOVT. OF NCT OF DELHI & ANRRespondents
Through: Mr. Santosh Kumar Tripathi, ASC for
GNCTD.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
22.05.2020

CM APPL. 10796/2020

Allowed, subject to just exceptions.

WP(C) 3110/2020 & CM APPL. 10797/2020

Present public interest litigation has been filed primarily seeking a direction to the respondent nos. 1 and 2 to amend/alter the Circular dated 6th May, 2020 to include students of Unaided Private Recognized Schools and Local Bodies i.e. MCDs, NDMC and Delhi Cantonment Board of Delhi and Heads of Schools, Teaching and Non-Teaching Staff of both, Govt. and Govt. aided Schools and Unaided Private Recognized Schools of Directorate

of Education, and Local Bodies i.e MCDs, NDMC and Delhi Cantonment Board of Delhi.

Petitioner who appears in person states that respondents should treat both the government and government aided schools and unaided private recognized schools of Directorate of Education and Local Bodies equally with regard to timings and summer vacations.

During the course of the hearing, the petitioner states that the present writ petition has been filed to espouse the cause of teachers and staff of local and private schools.

Per contra, learned counsel for the Govt. of NCT of Delhi states that the present petitioner has not taken into account statutory rules, namely, Rules 31 and 32 of the Delhi School Education Rules, 1973 which specifically provide that private unaided recognized schools shall specify their own timings, subject to the condition that the total school hours in a year shall not be less than 1000 hours. He further states that the schools have the flexibility to fix their own calendar.

This Court is in agreement with the submission of learned counsel for Govt. of NCT of Delhi that in a public interest litigation the Court cannot pass an order contrary to statutory rules, especially when the validity of the rules has not been challenged.

This Court is further of the view that without impleading the private unaided schools the present public interest litigant intends to whittle down the authority/flexibility which has been statutorily conferred on private unaided schools – which is legally impermissible.

This Court is also of the view that a public interest litigation is to be used to advance causes of helpless and poor individuals who do not have the

capacity or wherewithal to approach the courts. The salary of teachers and staff of both local bodies and private unaided schools is reasonably good and they have resources to approach this Court in the event they are aggrieved by any direction of either the State government or private unaided schools.

For the aforesaid reasons, the present petition and application are dismissed.

MANMOHAN, J

SANJEEV NARULA, J

MAY 22, 2020

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