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

+ **W.P.(C) 9537/2017**

BALA PRITAM GURU HARKISHAN

INTERNATIONAL PUBLIC SCHOOL & ORS Petitioner

Through: **Mr. Mukesh Kher, Adv.**

versus

DIRECTOR OF EDUCATION & ANR

..... Respondent

Through: **Mr. Naushad Ahmed Khan, Adv. for
GNCTD.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

29.01.2020

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1. Via this writ petition, challenge is laid to the communication dated 11.8.2017 issued by the Directorate of Education, Govt. of NCT of Delhi. (hereafter referred to as "DOE").

2. A perusal of the impugned communication would show that the DOE had asked petitioner no.1 school to submit certain documents in order to enable it to process the request made by petitioner no.1 school vide letter dated 24.06.2017.

2.1 To be noted, letter dated 24.6.2017 is not on record. However, what is available on record is the communication dated 26.8.2017, addressed by the petitioner to the Deputy Director, PSB, Directorate of Education (Pvt. School Branch), Govt. of NCT of Delhi. Along with this communication, the petitioner has appended, it appears, certain documents which according to the petitioner, if considered, would cure the deficiencies pointed out in the impugned communication dated 11.8.2017.

3. Having said so, the grievance of the petitioner is that the DOE appears to be under misconception that it is seeking amendment to the Scheme of Management, which is already approved. According to the petitioner, it only seeks endorsement of the existing approved scheme of management on account of a change in the name of school. According to petitioner no.1 school, it was earlier known as 'UPRAS Vidyalaya'.

3. Mr. Naushad Ahmed Khan, who appears for the DOE informs me that what was stated in the impugned communication was reiterated by the DOE via letter dated 6.11.2017, which was also addressed to the Principal/Management of petitioner no.1 school. Mr. Khan goes on to state that there has been no response to the same by the petitioners.

4. A perusal of a copy of the communication dated 6.11.2017, which has been placed before me, shows that it is almost identical to what has been stated in the impugned communication dated 11.8.2017. Therefore, nothing turns substantially on the contents of communication dated 06.11.2017.

5. The petitioners have already given their response to the impugned communication dated 11.08.2017 vide reply dated 26.08.2017. The reply dated 26.08.2017 has not been considered by the DOE.

6. Thus, to my mind, the best way forward would be to dispose of the writ petition with the following directions :

(i) The DOE will consider the request of the petitioner in the backdrop of its reply dated 26.8.2017. For this purpose, if necessary, the DOE will accord a personal hearing to the authorized representative of the petitioner.

- (ii) The DOE, after hearing the petitioner's authorized representative, will pass a speaking order; a copy of which will be furnished to the petitioner.
- (iii) Apart from anything else, the DOE will deal with the aspect as to whether the scheme of management filed by the petitioner amends the already approved scheme of management.
- (iv) The aforementioned exercise will be completed by the DOE at the earliest, though not later than 10 weeks from the date of receipt of a copy of the order.

7. *Dasti.*

RAJIV SHAKDHER, J

JANUARY 29, 2020/pmc

W.P.(C) 9537/2017

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