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

% *Decided on: 24th May, 2023*

+ W.P.(C) 3858/2022 & CM APPL. 11474/2022
ABHIBHAVAK EKTA SANGH THROUGH AR SH.
SAMEER VERMA Petitioner

Through: None.
versus

DIRECTORATE OF EDUCATION AND ORS... Respondents

Through: Mr. Santosh Kr. Tripathi, SC-
GNCTD along with Mr.
Utkarsh Singh, Advocate for
DOE
(M:9129829862,email:scgnctd
@gmail.com)

Mr. Rishikesh Kumar, ASC-
GNCTD with Mr. Aditya Raj,
Ms. Sheenu Priya, Mr. Sudhir
Kumar Shukla, Mr. Muhammad
Zaid, Ms. Roshni Haldhar, Mr.
Sudhir, Advocates
(M:9911483629)

Mr. Kamal Gupta, Mr. Sparsh
Aggarwal, Ms. Paridhi Bist,
Advocates for School
(M:9810988094,email:kamalgu
ptaandcompany@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. None appears for the petitioners when the matter is called out.
2. The present writ petition has been filed being aggrieved by the action of the respondent school in expelling the students from the

school, who had not been paying the fees on time as per the guidelines of Directorate of Education (DOE).

3. Attention of this Court has been drawn to the order dated 06.09.2022 passed by this Court. In the order dated 06.09.2022, clear directions have been given to the parents of the students in question, which were stated to be 15 in number as mentioned in *CM APPL. 39110/2022*, that 40% of the dues towards the fee shall be paid latest by next date of the passing of the said order. Balance 60% was directed to be paid in equal amounts in terms of the directions of this Court in order dated 06.09.2022.

4. The said order dated 06.09.2022 further records that the directions for making payments to the students was subject to the final outcome of *W.P.(C) 3426/2020*, which had been filed by the respondent school herein.

5. A petition being *W.P.(C) 3426/2020* had been filed on behalf of the respondent school, wherein respondent school had challenged the interference by DOE in the increase of fees of the school. The said writ petition was allowed by judgment dated 15.03.2023, wherein it was held that Senior Wing of respondent school herein shall be entitled to increase their fees in terms of the statement of fees dated 28.03.2018 submitted by the school to the DOE, under Section 17 (3) of the Delhi School Education Act, 1973.

6. It is further informed that the said judgment has been challenged by way of two appeals being *LPA No. 367/2023, Directorate of Education Vs. Mahavir Sr. Model School & Anr.* and *LPA No. 382/2023, Abhibhavak Ekta Sangh Vs. Directorate of*

Education & Ors. Ld. counsel appearing for the respondent school by referring to the orders dated 21.04.2023 and 26.04.2023 passed in the aforesaid appeals, submits that only notice has been issued and that no stay has been granted to the judgment dated 15.03.2023 passed in *W.P.(C) 3426/2020*.

7. Thus, it is contended on behalf of the respondent school that fee hike of the respondent school has been upheld by this Court. It is submitted that 15 students as mentioned in *CM APPL. 39110/2022*, on whose behalf the present writ petition is stated to have been filed, were bound to pay full fees of the school, in view of the various orders passed by this Court.

8. Ld. counsel for DOE on the other hand, submits that issue with respect to fees hike by respondent school is subject matter of two appeals, as aforesaid and that it cannot be held that the judgment dated 15.03.2023 in *W.P.(C) 3426/2020*, has attained finality.

9. I have heard ld. counsel for the parties.

10. Considering the submissions made before this Court and after perusal of the order dated 06.09.2022 passed by this Court in the present writ petition and judgment dated 15.03.2023 passed by the coordinate Bench of this Court in *W.P.(C) 3426/2020*, it is clear that the petitioners herein are bound to pay fees of the respondent school, in terms of the enhanced fee in terms of the judgment dated 15.03.2023 in *W.P.(C) 3426/2020*. There are clear directions by this Court in the present writ petition by order dated 06.09.2022 that the students are required to pay their full fees within time-bound manner. Similarly by way of the judgment dated 15.03.2023 in *W.P.(C)*

3426/2020, the fee hike as done by the respondent school has been upheld. It is also seen that no stay has been granted by the Division Bench of this Court in the two appeals having been filed against the said judgment in *W.P.(C) 3426/2020*.

11. In view of the aforesaid, there is no denying the fact that the petitioner students herein are bound to pay the dues towards the fees payable to the school.

12. Taking into account the aforesaid facts, it is clear that the present writ petition has become infructuous as the petitioners are bound to pay the fees of the respondent school in terms of the various directions passed from time to time.

13. A perusal of the present writ petition shows that the present writ petition has been filed in a representative capacity by the parents, being members of the society and parents of the students studying in the respondent school.

14. In view of the aforesaid, the students as mentioned in *CM APPL. 39110/2022* as well as the students of the school, on whose representative behalf the present petition has been filed, are bound to pay the fees of the respondent school.

15. Accordingly, the present writ petition is disposed of along with pending application.

MINI PUSHKARNA, J

MAY 24, 2023

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