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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 23rd May, 2023

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W.P. (C) 7122/2023

S.S. MOTA SINGH SR SECONDARY MODEL SCHOOL

..... Petitioner

Through: Ms. Ananya Moulick and Mr.
Romi Chako, Advs.
(M:8826235642,ananyamoulick
@moulicklawoffice.com)

versus

**GOVT OF NCT OF DELHI THROUGH DIRECTORATE OF
EDUCATION**

..... Respondent

Through: Mr. Santosh Kumar Tripathi,
SC Civil GNCTD with Mr.
Utkarsh Singh and Mr. Arun
Panwar, Advs. (M:9129829862,
Email:scgnctd@gmail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. By way of the present writ petition, the petitioner school is aggrieved by the order dated 25.05.2022 issued by the Director of Education (Private School Branch), Government of NCT of Delhi.

2. By way of the said order, the Director of Education has given a clear finding that the funds are not available with the school for meeting the financial obligations for the academic session 2019-2020.

It is the case on behalf of the school that despite a clear finding by the DOE that the school does not have the funds for meeting the financial obligations for the academic session 2019-2020, enhancement of 14%



fees has been allowed only w.e.f. 01.07.2022. It is further submitted that the fess charged by the school is very less. It is contended that the enhancement of fee ought to have been allowed from 01.04.2019.

3. Learned counsel for the petitioner also submits that the DOE has granted only enhancement to the extent of 14%. However, the school proposed the hike fee to the extent of 26%.

4. Issue notice. Notice is accepted by the learned standing counsel for the respondent who submits that the issue of enhancement of fees from a particular period cannot be related to the actual fees being charged by the school.

5. I have heard learned counsel for the parties with the consent of the parties, this Court proceed to dispose of the present matter.

6. By perusal of the documents on record and considering the submissions made on behalf of the petitioner school, it is clear that by way of its order dated 25.05.2022, the Director of Education itself has recognized the fact that the school in question does not have the requisite funds, which are required for the purposes of running the school and for making payments towards the salary of the teachers and other employees of the school. Thus, in view thereof, the enhancement that has been allowed by the DOE only w.e.f. July, 2022, does not seem to be justified.

7. In view thereof, the present writ petition is directed to be treated as representation, to be considered by the DOE. The DOE is directed to give hearing to the authorized representative of the petitioner school with respect to hike in school fees. Liberty is further granted to the petitioner school to produce any documents that may be required for



the purposes of considering the case of the school.

8. After perusing the documents and hearing the authorised representative of the school, the Director of Education shall dispose of the representation of the petitioner school by way of a speaking order.

9. The DOE is also directed to consider the plea of the petitioner school for enhancement @ 26% w.e.f. 01.04.2019, as per the submissions as made in the present writ petition.

10. The DOE is directed to consider the representation of the school expeditiously, preferably within two months from today.

11. With the aforesaid directions the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 23, 2023

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