



2024 : DHC : 2358



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

+ **W.P.(C) 4437/2024 & CM APPL. 18209/2024**

AHLCON PUBLIC SCHOOL Petitioner
Through: Mr. Pulkit Tare and Ms. Parul
Madaan, Advs.

versus

DIRECTORATE OF EDUCATION Respondent
Through: Mr. Utkarsh Singh, Adv. for
Mr. Santosh Kumar Tripathi, Standing
Counsel (Civil) for DoE

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)
22.03.2024

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1. This writ petition merely seeks a direction to the respondent to take a decision on the petitioner's application dated 24 March 2023 under Section 17(3) of the Delhi School Education Act, 1973 proposing increase of fees in the ensuing academic session.

2. In an identical matter i.e., W.P. (C) 3261/2024 (*Salwan Public School Mayur Vihar v. Directorate of Education*), which had come up before this Court on 4 March 2024, this Court commented that keeping an application under Section 17(3) pending without decision for at least a year is completely unacceptable.

3. The DoE was directed, therefore, to positively take a decision on the petitioner's application in accordance with the procedure

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prescribed in that regard and communicate a decision to the petitioner within three weeks.

4. In the event of the decision not being taken, within the said time, the petitioner school was held to be *ipso facto* entitled to increase its fees by 15%.

5. Though Mr. Utkarsh Singh has fervently prayed that this Court may not pass a similar order, he is not able to show any distinguishing feature between that case and this. Courts cannot take differing views in identical matters.

6. Accordingly, the DoE is directed to positively take a decision on the petitioner's application within a period of four weeks from today and communicate the decision to the petitioner in accordance with the procedure prescribed in that regard.

7. In the event that the decision is not communicated within four weeks, the petitioner shall *ipso facto* be entitled to increase its fees by 15 %.

8. The school shall be granted an opportunity of personal hearing and shall not be permitted to take an adjournment on the date fixed in that regard.

9. For the said purpose, let the petitioner present itself before Ms. Bimla Kumari, Deputy Director of Education (PSB) (Contact No.



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9868211543), office of Directorate of Education (HQ), Old Secretariate, Behind Vidhan Sabha, Delhi on 28 March 2024.

10. This petition stands disposed of in the aforesaid terms.

11. *Dasti.*

C. HARI SHANKAR, J.

MARCH 22, 2024

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Click here to check corrigendum, if any