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

+ **LPA 179/2021 CM APPL. 18385/2021**

MASTER YASHVIR SINGH CHAUHAN THROUGH HIS
FATHER DALIP SINGH CHAUHAN AND ANR Appellants

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma, Advs.

versus

ACTION COMMITTEE UNAIDED RECOGNISED PRIVATE
SCHOOLS & ANR. Respondents

Through: Mr. Kamal Gupta, Ms. Tripti Gupta,
Mr. Sparsh Aggarwal, Mr. Manish
Vashist, Ms. Kriti Gupta and Mr.
Nikhil Kukreja, Advs. for R-1/Action
Committee.

Mr. Puneet Mittal, Sr. Adv. with Ms.
Sakshi Mendirata, Mr. Rupendra
Pratap and Mr. Varun Upadhyay,
Advs. for Delhi Public School
Society.

Mr. Santosh Kumar Tripathi, SC
Civil, Mr. Arun Panwar, Mr.
Pradyumn Rao, Mr. Utkarsh Singh,
Mr. Prashansa Sharma, Advs. for
DOE.

+ **LPA 180/2021 CM APPL. 18389/2021**

MASTER VIPUL YADAV AND ANR. Appellants

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma, Advs.

versus

ACTION COMMITTEE OF UNAIDED PRIVATE RECOGNIZED
SCHOOLS AND ANR. Respondents

Through: Mr. Kamal Gupta, Ms. Tripti Gupta,
Mr. Sparsh Aggarwal, Mr. Manish
Vashist, Ms. Kriti Gupta and Mr.
Nikhil Kukreja, Advs. for R-1/Action
Committee.

Mr. Puneet Mittal, Sr. Adv. with Ms.



Sakshi Mendirata, Mr. Rupendra Pratap and Mr. Varun Upadhyay, Advs. for Delhi Public School Society.

Mr. Santosh Kumar Tripathi, SC Civil, Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Prashansa Sharma, Advs. for DOE.

+ **LPA 184/2021 CM APPL. 21950/2021**

DIRECTORATE OF EDUCATION

..... Appellant

Through: Mr. Santosh Kumar Tripathi, SC Civil, Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Utkarsh Singh, Mr. Prashansa Sharma, Advs.

versus

ACTION COMMITTEE UNDAED PRIVATE SCHOOL

..... Respondent

Through: Mr. Kamal Gupta, Ms. Tripti Gupta, Mr. Sparsh Aggarwal, Mr. Manish Vashist, Ms. Kriti Gupta and Mr. Nikhil Kukreja, Advs. for R-1/Action Committee.

Mr. Puneet Mittal, Sr. Adv. with Ms. Sakshi Mendirata, Mr. Rupendra Pratap and Mr. Varun Upadhyay, Advs. for Delhi Public School Society.

Ms. Diya Kapur, Adv. with Mr. Aditya Ladha, Adv. for applicant in CM. No. 21950.

+ **LPA 185/2021 CM APPL. 18560/2021**

JUSTICE FOR ALL

..... Appellant

Through: Mr. Khagesh B. Jha, Adv. with Ms. Shikha Sharma, Adv.

versus



ACTION COMMITTEE UNAIDED RECOGNISED PRIVATE
SCHOOLS & ANR.

..... Respondents

Through: Mr. Kamal Gupta, Ms. Tripti Gupta,
Mr. Sparsh Aggarwal, Mr. Manish
Vashist, Ms. Kriti Gupta and Mr.
Nikhil Kukreja, Advs. for R-1/Action
Committee.

Mr. Puneet Mittal, Sr. Adv. with Ms.
Sakshi Mendirata, Mr. Rupendra
Pratap and Mr. Varun Upadhyay,
Advs. for Delhi Public School
Society.

Mr. Santosh Kumar Tripathi, SC
Civil, Mr. Arun Panwar, Mr.
Pradyumn Rao, Mr. Utkarsh Singh,
Mr. Prashansa Sharma, Advs. for
DOE.

+ **LPA 201/2021 CM APPL. 20698/2021 CM APPL. 20699/2021 CM
APPL. 20826/2021**

KRISHNA MOHAN SHARMA & ORS.

..... Appellants

Through: Appearance not given.

versus

DELHI PUBLIC SCHOOL SOCIETY THROUGH ITS
SECRETARY & ORS.

..... Respondents

Through: Mr. Puneet Mittal, Sr. Adv. with Ms.
Sakshi Mendirata, Mr. Rupendra
Pratap and Mr. Varun Upadhyay,
Advs. for Delhi Public School
Society.

Mr. Santosh Kumar Tripathi, SC
Civil, Mr. Arun Panwar, Mr.
Pradyumn Rao, Mr. Utkarsh Singh,
Mr. Prashansa Sharma, Advs. for



DOE.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.02.2024

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1. The appellants have filed the present appeals impugning an order dated 31.05.2021 passed by the learned Single Judge in W.P.(C) 7526/2020; captioned *Action Committee, Unaided Recognised Private Schools Vs. Director of Education* (hereafter “**the impugned order**”). The Action Committee of Unaided Recognised Schools had filed the aforementioned writ petitions impugning the circulars dated 18.04.2020 and 28.08.2020 issued by the Directorate of Education (hereafter “**DoE**”) restricting the private unaided schools from collecting annual charges and development fee. The said circulars were issued in emergent circumstances resulting from the outbreak of COVID-19. All schools in Delhi were closed at the material time and this occasioned the DoE to issue the said circulars.

2. The learned Single Judge had quashed the said circulars on various grounds. However, the learned Single Judge had directed that the fee chargeable from the students be collected in terms of the directions passed by the Supreme Court in *Indian School, Jodhpur and Another Vs. State of Rajasthan and Others, 2021 SCC OnLine SC 359*.

3. It is seen that the operative part of the impugned order has worked itself out and the present appeals have been rendered academic.

4. Mr. Santosh Kumar Tripathy, learned standing counsel submits that there are far reaching observations made in the impugned order, which may be read as curtailing the power of the Administrator or the DoE. The



Administrator and the DoE are empowered under the Delhi School Education Act, 1973 (hereafter “**the Act**”) to issue general directions including general directions in terms of Rule 43 of the Delhi School Education Rules, 1973 (hereafter “**the Rules**”) in the interest of school education in Delhi.

5. He also refers to Section 3 of the Act and submits that Section 3 of the Act confers on the Administrator, the powers to regulate education in all schools of Delhi in accordance with the provisions of the Act. He submits that the DoE is not precluded in issuing the general directions for all schools including unaided private schools. He also submits that in terms of Rule 180 of the Rules, unaided recognised schools are required to submit returns in the format as specified. The accounts of such schools are also subject to examination by Auditors and Inspecting Officers. He submits that this is obviously to ensure that there is non-profiteering and other provisions of the Act are complied with.

6. The learned counsel for the respondent submits that the DoE does not have the power to issue general directions regarding fee to be charged by unaided private schools. However, it is not disputed that the DoE can pass specific orders in respect of any school, which are found to be non-compliant with the provisions of the Act.

7. Considering that the circulars set aside by the impugned order are no longer operative, the subject matter has been rendered academic. In the circumstances, we do not consider it apposite to entertain the present appeals. However, we clarify that all questions of law are open and nothing stated in the impugned order would be read so as to curtail the power of the



Administrator under Section 3 of the Act and the Rules made thereunder.

8. We clarify that we have not examined the rival contentions and all rights and contentions of the parties are reserved.

9. The abovementioned appeals are disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 09, 2024/SA

Click here to check corrigendum, if any