



2024:DHC:3100



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 5464/2024 and CM APPL.22543/2024**

**NISHITA THROUGH HER NEXT FRIEND AND
NATURAL FATHER MR. RAJ KUMAR AND
OTHERS**

..... Petitioners

Through: Mr. Ashok Agarwal, Ms. Ashna
Khan, Mr. Kumar Utkarsh and Mr. Manoj
Kumar, Advocates

versus

**K. R. MANGALAM WORLD SCHOOL
& ANR.**

..... Respondents

Through: Mr. Gautam Narayan, Ms.
Asmita Singh, Mr. Harshit Goel and Mr.
K.V. Vibhu Prasad, Advocates for R1

Mr. Utkarsh Singh for Mr. Santosh Kumar
Tripathi, Standing Counsel for DoE

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

ORDER (ORAL)

16.04.2024

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1. The petitioners have been studying in the Respondent 1-School till Class VIII as students belong to the Economically Weaker Section of the Society (EWS). The responsibility to educate the students belonging to the EWS category without payment of fees is envisaged by the Right of Children to Free and Compulsory Education Act, 2009 only till the age of 14/Class VIII. The petitioners' complaint in the writ petition is that though they are willing to continue to study in the Respondent 1-School beyond Class VIII on payment of fees that the

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School charges from other non-EWS students, the Respondent 1-School turned them away and asked them to take School Leaving Certificates.

2. Mr. Gautam Narayan, learned counsel for the Respondent 1 School seriously disputes this contention. He submits that in fact the only condition that the School required the petitioners to satisfy was to submit an affidavit stating that they would not default in payment of fees.

3. Even before this Court, Mr. Narayan is agreeable to the petitioners being permitted to continue to study in the Respondent 1-School subject to their undertaking not to default in payment of fees and, on any such default taking place, reserving liberty with the Respondent 1-School to proceed in accordance with the Delhi School Education Act, 1973 ("the DSE Act") and the Delhi School Education Rules, 1973 ("the DSE Rules").

4. Mr. Agarwal, learned counsel for the petitioners, has no objection to this course of action being followed.

5. Accordingly, this writ petition is disposed of, permitting the petitioners to continue to study in the Respondent 1-School on payment of the fees which are charged by Respondent 1 School from other non-EWS students. The fees would be paid in accordance with the manner in which fees are paid by such other students to the school and as per the schedule and protocol fixed by the School in that regard. Any default in payment of fees shall entitle the Respondent 1-

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School to take appropriate action in accordance with law as envisaged by the DSE Act and the DSE Rules.

6. This writ petition stands disposed of in the aforesaid terms.

C.HARI SHANKAR, J

APRIL 16, 2024/yg

Click here to check corrigendum, if any

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