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

+ **CONT.CAS(C) 818/2022**

PARENTS STUDENTS WELFARE ASSOCIATION Petitioner

Through: None.

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **15.04.2024**

1. None appears for the parties when the matter is called out.
2. Perusal of the order sheets shows that none has been appearing for the petitioner for the last two dates and the last appearance on behalf of the petitioner was recorded on 15th March, 2023.
3. Perusal of the record shows that the present petition has been filed alleging willful disobedience of the directions as contained in the order dated 27th April, 2022 in W.P. (C) No. 6148/2022. By way of the said order, the respondent was directed to decide the petitioner's complaint dated 23rd April, 2022 within a period of two weeks.
4. Compliance affidavit on behalf of the Directorate of Education is already on record, wherein it is stated as follows:

"xxx xxx xxx

11. It is submitted that in compliance with the directions of this Hon'ble Court, the Respondent had issued an order dated 29.04.2022 under



Section 24(3) of the Delhi School Education Act, 1973 noting the receipt of a number of complaints from the parents of the students studying in the school and directing the school :-

(a) Not to charge any increased fee from the students and roll back the increased fee charged by the school from the students as also refund the excess fee or adjust it for the next month.

(b) Not to withhold admit cards/results/mark sheet/school leaving certificates/transfer certificates etc on the ground of arrears pending against the student due to charging of illegal increased fee.

A true copy of the Order dated 19.04.2022 is annexed herewith as **ANNEXURE R-1**.

12. It is submitted the aforesaid order issued by the Directorate along with the Order of this Hon'ble Court passed on 17.04.2022 in WP(C) 6148/2022 was forwarded to the school on 02.05.2022 and the school was further directed to submit a compliance report by 04.05.2022. A true copy of the letter dated 02.05.2022 is annexed herewith as **ANNEXURE R-2**.

13. It is submitted that reply to the order dated 29.04.2022 was submitted by the school on 05.05.2022 whereby the school stated that its fees hike was justified as it was not running on land allotted by the DDA / GNCTD but a minority institution.

xxx xxx xxx

14. It is submitted that on 10.05.2022, the answering respondent directed that the petitioner school shall roll back the increased fee and shall not charge the increased fee till the examination of fee statement submitted by the school under section 17(3) of DSEA, 1973 for session 2022-23 is disposed of by the DoE and if, it is found that the school is still charging the increased fee, an action under Section 24(4) (b) of DSEA, 1973 read with Rule 56 of DSER, 1973 for withdrawal of recognition of the school shall be initiated against the school for the aforementioned violations irregularities and non compliance of this order. Further, it was also directed that in respect of the students who have not paid the increased fee, it is directed that;

i. The school shall not withhold the admit card for appearing in the examinations.

ii. The school shall not withhold the results of the students.

iii. The school shall not deprive the students to attend the classes.

iv. The school shall not harass and cause undue stress on the students.

Further, the school is directed to submit a compliance report by 12.05.2022 in the office of Deputy Director of Education District South-East.



A true copy of the order dated 10.05.2022 is annexed herewith as ANNEXURE R-3.

15. It is submitted that the order dated 29.04.2022 was also shared with the Petitioner Association vide an email dated 06.06.2022 by the Respondent-Department, however, it is submitted that the contempt petition mischievously does not, in its recitals, provide any reference to the Order dated 29.04.2022.

16. It is submitted that since the reply of the school was not found to be satisfactory, the Respondent-Department on 03.08.2022 has also issued a Show Cause Notice to the School under Section 24(4)(b) of the DSE Act for withdrawal of its recognition for failure to comply with the orders of the Respondent-Department. True copy of the Show Cause Notice dated 03.08.2022 is annexed herewith as ANNEXURE R-4.

17. It is submitted that the aforesaid chain of events leaves no manner of doubt that the Respondent-Department has dutifully complied with the orders of this Hon'ble Court. It is submitted that the Petitioner by concealing facts has attempted to mislead this Hon'ble Court when, in the acts of the present case, no contempt is made out.

xxx xxx xxx”

5. A perusal of the aforesaid shows that the order dated 27th April, 2022 passed by this Court has been duly complied with. It cannot be said that there has been any willful disobedience by the respondent. The Directorate of Education has decided the representation of the petitioner and has taken consequential action therein.

6. If the petitioner is still aggrieved by any action of the Directorate of Education, that would constitute a fresh cause of action. When the order in question already stands complied with, no further or incidental directions can be issued by this Court in contempt proceedings.

7. Considering the aforesaid, the present petition is disposed of by recordings that the order dated 27th April, 2022 passed in W.P. (C) No. 6148/2022, stands complied with.

MINI PUSHKARNA, J

APRIL 15, 2024/MR