



2024:DHC:2536



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13894/2022**
VSPK INTERNATIONAL SCHOOL Petitioner

Through: Mr. Deepank Yadav, Adv.

versus

DIRECTORATE OF EDUCATION & ANR..... Respondents

Through: Mr. Utkarsh Singh, on behalf of
Mr. Santosh Kumar Tripathi, Standing
Counsel (Civil), for GNCTD

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

ORDER (ORAL)

22.03.2024

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1. The prayer clause in this writ petition reads as under:

“In view of the abovementioned facts and circumstances and in the interest of justice, it is most humbly prayed that this Hon’ble Court may graciously be pleased to issue a Writ of Mandamus/Certiorari/Prohibition or any other appropriate writ, direction or order thereby:

i. Calling for the Records in respect of the Impugned Order dated 16.07.2022 bearing No. DDE/ZONE-XIII/DNWB-II/2022-2023/1273-1279 passed by the Director of Education on the Letter Head of the Deputy Director Of Education, Zone-XIII, whereby the Recognition of the Petitioner School has been illegally and maliciously withdrawn with immediate effect (withdrawal effective from 01.04.2023), and the Petitioner School has been directed to not admit any new students for the session 2022-2023 and onwards in any class, and Quashing the Impugned Order dated 16.07.2022 bearing No. DDE/ZONE--XIII/DNWB-

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II/2022-2023/1273-1279 passed by the Director of Education on the Letter Head of the Deputy Director Of Education, Zone-XIII, as also the consequential directions contained therein and emanating therefrom; and

ii. Stay the operation of the Impugned Order dated 16.07.2022 bearing No. DDE/ZONE--XIII/DNWB-II/2022-2023/1273-1279 passed by the Director of Education on the Letter Head of the Deputy Director of Education, Zone-XIII, as also the consequential directions contained therein and emanating therefrom, during the pendency of the Present Writ Petition; and

iii. Direct the Directorate of Education to Migrate / Transfer / Adjust the Additional 38 Students Provisionally Admitted by the Petitioner School in the EWS/DG/CSWN/FREESHIP Category for the Academic Session 2022-2023 beyond the Prescribed Mandate of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009, to any other Government School; Or in the alternative

iv. Direct the Directorate of Education to Pay and Reimburse the Complete Fees and Other Charges (at the Prevailing Prescribed Rates as indicated in the Present Petition) of the Additional 38 Students Provisionally Admitted by the Petitioner School in the EWS/DG/CSWN/FREESHIP Category for the Academic Session 2022-2023 beyond the Prescribed Mandate of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009, Or in the alternative

v. Direct the Directorate of Education to Grant Adjustment of the Additional 38 Admissions Provisionally granted by the Petitioner School in the EWS/DG/CSWN/FREESHIP Category for the Academic Session 2022-2023 beyond the Prescribed Mandate of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009, towards the Admissions required to be taken by the Petitioner School in the EWS/DG/CSWN/FREESHIP Category for the Academic Session 2023-2024 and Academic Session 2024-2025, towards compliance of the Mandate of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009, and

vi. Direct the Directorate of Education to Permit and Accept the Reduction of the Declared General Category Seats for Admissions to the Entry Level Classes in the Petitioner School to 75 Seats for the Academic Session 2023-2024 and further; and

vii. Pass such other and/or further orders or direction in favour

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of the Petitioner and against the Directorate of Education, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Mr. Deepank Yadav, learned Counsel for the petitioner, at the outset, submits that he is not pressing prayers iii, iv, and v.
3. Of the remaining prayers, prayers i and ii relate to an order dated 16 July 2022, whereby recognition of the petitioner school was withdrawn, and prayer vi seeks a direction to the Directorate of Education (DoE) to accept the petitioner's request for reduction of the declared general category seats to 75 for the academic session 2023-2024.
4. Insofar as the first aspect of derecognition is concerned, on 2 February 2024, both sides had agreed that there was a representation made by the petitioner to the DoE in that regard, which was pending consideration. Mr. Utkarsh Singh, who appears for the DoE, sought time so that the representation could be decided, whereafter the Court could examine whether any grievance survives for consideration. On 4 March, 2024, Mr. Utkarsh Singh undertook to ensure that a decision, in terms of the order dated 2 February 2024 would positively be taken by the DoE within two weeks.
5. On 5 March 2024, the DoE proceeded to pass an order on the petitioner's representation, in compliance with the direction of this Court. A reading of the order reveals that the decision taken in the order requires the petitioner to grant permanent admission to six students, namely, Hriday, Krishka, Sarthak, Raunak, Ahana and Deep Rana, who were granted provisional admission, consequent to orders



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passed by this Court. The order dated 5 March 2024 specifically states that the matter for restoration of recognition of the school would be *initiated* after receiving compliance affidavit from the school in this regard.

6. Mr. Yadav submits, on instructions, that his client would grant permanent admission to the six students within a week from today and place an affidavit in that regard with proof of compliance before the DoE within three days thereof.

7. Accordingly, in terms of the order dated 5 March 2024 of the DoE, the procedure to restore the recognition of the petitioner school is directed to be initiated and completed immediately thereupon.

8. The only surviving prayer in the writ petition is with respect to an application filed by the petitioner seeking reduction of the number of general category students admitting in the petitioner institution for the academic year 2023-2024 thereafter.

9. Mr. Yadav submits that, to his knowledge, a decision has already been taken, but is yet to be communicated to his client.

10. In the event that any decision has already been taken in that regard, the DoE is directed to communicate the decision to the petitioner within three days from today. In the event that no decision has yet been taken, let a decision be positively taken by the DoE within two weeks from today and communicated to the petitioner forthwith.



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11. With these directions, this writ petition is disposed of.

C.HARI SHANKAR, J

MARCH 22, 2024

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Click here to check corrigendum, if any

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