



2024:DHC:269



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

+ **W.P.(C) 12232/2023 and CM 48088/2023**

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..... Petitioner

Through: Mr. Ahmad Parvez, Mr. Imran
Alam and Mr. Humnasheen Ahmed,
Advocates

versus

DIRECTORATE OF EDUCATION & ORS. Respondents

Through: Mr. Sanjay Khanna, Ms. Pragya
Bhushan, Mr. Amit Singh, Mr. Karandeep
Singh and Mr. Tarandeep Singh, Advocates
for R1

Mr. Rizwan, Ms. Nistha Sinha, Ms. Nandini
Garg, Advocates for school

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

12.01.2024

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1. This writ petition was instituted by the Petitioner, at that time a student of Class IX in the Respondent 2-school (hereinafter 'the School'), alleging that she had been subjected to harassment by the school authorities and had not been permitted to attend the school in class X for the 2023-2024 academic session.

2. The prayer clause in this writ petition reads thus :

“With regards to the above-mentioned facts and circumstances this Hon’ble Court may graciously be pleased to:-

a) Issue writ of mandamus or any other appropriate

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writ, order or direction to the Respondent No.1 conduct an inquiry to take appropriate action against respondent no.2 for harassing the minor girl student and putting her into mental trauma;

b) Issue writ of mandamus or any other appropriate writ, order or direction to the Respondent No.1 & 2 to ensure the due promotion of the petitioner to class Xth in academic session 2023-2024 & re-admission in the School;

c) Direct respondents to ensure the petitioner's continuance of education to save her future and ;

d) Award cost of the petition.

e) Pass any other/further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

3. Prayer (a) in the writ petition involves disputed questions of fact, as the school is alleging, contrary to the petitioner, that the petitioner has been exhibiting serious misbehaviour as a student of the school. The issue of whether the petitioner is misbehaving as alleged by the School, vis-à-vis the petitioner's allegation that the school was ill-treating the petitioner, is not one that a writ court can enter into, as it involves clear disputed issues of fact.

4. In so far as prayers (b) and (c) are concerned, this Court, on 29 November 2023, recorded the concession of the school that the petitioner could be admitted to Class X if she deposited the requisite fees. At the same time, the Court also noted the fact that there were allegations of misbehaviour on the part of the Petitioner as a result of which she had been subjected to several rounds of counselling.

5. Be that as it may, the petitioner has since been admitted to class

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X. Her name has also been forwarded to the CBSE for appearing in Class X board examinations.

6. Mr. Parvez, learned counsel for the petitioner, submits that the petitioner has not been issued any ID card by the school. Mr. Rizwan, learned counsel for the school submits that this may not be correct. In any case, if the petitioner is studying as a student of the school, she has necessarily to be issued an ID card. In case she has not been issued an ID card, the school is directed to issue an ID card to the petitioner forthwith.

7. As already noted, Mr. Rizwan has raised serious contentions regarding the behaviour of the petitioner in the school. He has stated that, even after the petitioner was readmitted in the school consequent to the order dated 29 November 2023 passed by this Court, she has resorted to repeated instances of misbehaviour regarding which there are complaints both by her teachers as well as by fellow students.

8. Needless to say, the respondent would be at liberty to deal with such incidents in accordance with the procedure followed to maintain discipline by the students in the school, as contained in the applicable rules, regulations and other instructions which govern the school.

9. Prayer (c) in the writ petition prays that the petitioner be permitted to continue to receive education in the school. Apropos this prayer, it is only clarified in that regard that, subject to the right of the respondents to take appropriate action in accordance with law as they

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deem fit in the event of any unacceptable behaviour by the petitioner, the petitioner would continue to remain a student of the school.

10. The grievances of the petitioner in this writ petition stand assuaged thereby. It is not necessary to keep this writ petition pending. The petition is accordingly disposed of in the aforesaid terms.

C.HARI SHANKAR, J

JANUARY 12, 2024

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Click here to check corrigendum, if any

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