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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12803/2024 & CM APPL. 53386-87/2024**
SHUBHAY AHUJAPetitioner

Through: Mr. Rishabh Dua & Mr. Harikesh
Anirudhan, Advocates

versus

**DELHI PUBLIC SCHOOL ROHINI THROUGH PRINCIPAL &
ORS.**Respondents

Through: Ms Sakshi Mendiratta, Advocate for
R-1/School.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Prakhyat
Gargasya, Advocate for R-3

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

% **ORDER**
19.09.2024

CM APPL. 53388-89/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 12803/2024

3. The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:

“...i. Pass an appropriate Writ, Order or Direction, directing the Respondent School to immediately issue/handover Progress Report, Report Card for the Academic Year 2023-24 of the Petitioner and issue Transfer Certificate & Permanent Education Number in favour of the Petitioner; and

ii. Pass an appropriate Writ, Order or Direction, directing the



Respondents No. 1 & 2 strictly abide by the rules, regulations and order of the Respondent No. 3...”

4. Mr. Rishabh Dua, learned counsel appearing on behalf of the petitioner submits that the Progress Report, Report Card for the Academic Year 2023-24 of the petitioner and Transfer Certificate & Permanent Education Number of the petitioner herein has been held back, on the ground that the enhanced fees has not been paid by the petitioner.

5. Ms Sakshi Mendiratta, learned counsel for respondent no. 1 states that the School has never intended to not give the Progress Report, Report Card for the Academic Year 2023-24 of the petitioner and Transfer Certificate & Permanent Education Number to the petitioner, but it was only due to the non-payment of fees by the petitioner that the certificate was not issued to him. Learned counsel for respondent no. 1 further submits that they will not hold back the Progress Report, Report Card for the Academic Year 2023-24 of the Petitioner and issue Transfer Certificate & Permanent Education Number of the petitioner herein. Let Progress Report, Report Card for the Academic Year 2023-24 of the petitioner and Transfer Certificate & Permanent Education Number be issued, as per the statement made by learned counsel for respondent no. 1, subject to the condition that if the instant petition is decided against the petitioner, the petitioner will pay the hiked amount, in accordance with law.

6. This court also takes note of the order passed by the Hon’ble Division Bench of this Court, passed in *W.P. (C) 6658/2019 & CM APPLN. 30816/2019*, dated 11.07.2019, the relevant portion of which reads as under:

“3. Even if the fees of Respondent No.2 School are yet to be paid by the students, Respondent No.2 is duty bound to give the School Leaving Certificate under the Delhi School Education Act



& Rules, 1973 (hereinafter referred to as “the DSEAR, 1973”).

4. Withholding of School Leaving Certificate is not permissible much less under Rule 167 of the DSEAR, 1973.

5. Learned counsel appearing for Respondent No.2 School submitted that the first student, namely, Kartik has to pay Rs.31,905/- as outstanding amount of school fees and the second student, namely, Priyansh has to pay Rs.68,426/- as outstanding amount of school fees towards Respondent No.2 and hence the School Leaving Certificates of both these students have not been granted by Respondent No.2.

6. Having heard learned counsels for both sides and looking into the facts and circumstances of the case, and also looking to the provisions of the DSEAR, 1973, enacted under the Delhi School Education Act, 1973, the Respondent No.2 cannot withhold the School Leaving Certificate either of student Kartik or of student Priyansh, on the ground that the school fees are yet to be paid by them.

7. As per Rule 167 of the DSEAR, 1973, for the non-payment of school fees, the name of the students can be struck off from the rolls of the school. The School Leaving Certificate cannot be withheld therefore, by Respondent No.2.

8. There are methods of recovering the outstanding school fees with the school. Even a suit could have been filed by Respondent No.2 upon the parents of the students, which has not been done so far. No such suit has been instituted by Respondent School for the recovery of outstanding fees.

9. In view of these facts, this Court is of the opinion that the School Leaving Certificates cannot be withheld by the respondents.”

7. Thus, keeping in view the aforesaid, and that the petitioner has undertaken to pay the hiked amount if the instant petition is decided against him, this Court directs respondent no. 1- Delhi Public School, Rohini, Delhi, to issue/handover Progress Report, Report Card for the Academic Year 2023-24 of the Petitioner and Transfer Certificate & Permanent Education Number to the petitioner, within a period of 15 days from today.

8. In view of the above, the present petition stands disposed of.



9. The order be uploaded on the website forthwith.

SEPTEMBER 19, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any