



2024:DHC:7703-DB



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

+ **LPA 988/2024 & C.M.Nos.58144-58146/2024**

MASTER EKLAVYA KOCHHAR & ORS.Appellants

Through: Mr.Nitin Bhardwaj with
Mr.M.P.Bhargava and Dr.Anurag
Bhardwaj, Advocates.

versus

BAL BHARATI PUBLIC SCHOOL & ORS.Respondents

Through: Mr.Kamal Gupta with Mr.Sparsh
Aggarwal and Ms.Yosha Dutt,
Advocates for School.
Mr.Karn Bhardwaj, ASC for GNCTD
with Mr.Shubham Singh, Mr.Rajat
Gaba and Mr.Saurabh Dahiya,
Advocates for DOE.

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Date of Decision: 03rd October, 2024

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the order dated 24th July, 2024 passed by learned Single Judge in W.P.(C) 6112/2020 whereby learned Single Judge dismissed the application being C.M.No.41586/2024 filed by the Appellants herein to restrain Respondent no.1/school from charging fees as per the rejected fee structure proposal for academic year 2019-2020.

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2. Learned counsel for the Appellants states that Respondent no.3/Directorate of Education (“DoE”) issued general directions on 18th April, 2020 directing schools not to hike school fees and charge fees on a monthly basis. He states that in violation of the aforementioned directions, which have not been stayed by any Court, Respondent no.1 demanded school fees on a quarterly basis in advance.
3. He states that the Appellants filed an application seeking directions to the Respondent no.1/school to charge school fees as per last approved fees (2015-2016) by the DoE.
4. He states that Respondent no.1/school has been continuously charging hiked fees for session 2019-2020 even though the fee structure proposal for session 2019-2020 was rejected vide order dated 24th September, 2021 passed by the DoE. He states that the order dated 24th September, 2021 passed by the DoE was challenged by Respondent no.1/school in W.P. (C) 12266/2021, however, no stay has been granted by this Court against the DoE order dated 24th September, 2021.
5. *Per contra*, learned counsel for the Respondent no.1/school states that in W.P.(C) No.12266/2021, a learned Single Judge of this Court has restrained the DoE from taking any coercive steps against the Petitioner(s) in pursuance to the order dated 24th September, 2021 passed by the DoE. He also refutes all the contentions and submissions advanced by learned counsel for the Appellants.
6. Having perused the paper book, this Court finds that the present case is a part of batch of 150 matters, which is being heard by the learned Single Judge. The relief being sought by the Appellants in the subject petition with respect to Respondent no.1/school’s act of charging fees as per rejected fee



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structure proposal for academic session 2019-2020 relates to the larger issue of powers of DoE to regulate fees structure of private unaided schools.

7. It is pertinent to note that vide order dated 10th May, 2021 passed in the subject petition, the learned Single Judge has clarified that all payments made by the Appellants/Petitioners and accepted by the Respondent no.1/school are without prejudice to the rights and contentions of the parties in the underlying writ petition, and subject to such adjustment as the Court may direct.

8. Consequently, this Court is not inclined to interfere with the impugned order. Accordingly, the present appeal along with the applications is dismissed. It is clarified that the rights and contentions of all the parties before the learned Single Judge are left open.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

**OCTOBER 3, 2024
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