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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3222/2015**
RAISINA BENGALI SCHOOLPetitioner

Through: Mr. Abhiesumat Gupta, Adv.

Versus

CENTRAL BOARD OF SECONDARY EDUCATION AND ANR.

.....Respondents

Through: Ms. Seema Dolo, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **06.11.2024**

1. The instant petition has been filed for the following relief:-

'a) Issue an appropriate Writ, order and I or direction whereby this Hon'ble Court may kindly quash the notifications dated 12.9.2014 and 25.9.2014 to the extent of imposing the penalty of Rs.5,000/- per student as late fee charges, issued by the respondents, as same is arbitrary and unreasonable.

b) Issue an appropriate Writ, Order and / or direction whereby this Hon'ble Court may kindly quash the penalty order dated 15.1.2015 issued by the respondents.

c) Issue an appropriate Writ, Order and I or direction whereby this Hon'ble Court may kindly quash the letter dated 19.2.2015 & order dated 27.2.2015, issued by the respondents.'

2. Having heard learned counsel appearing on behalf of the parties and in view of the various explanations offered by the petitioner for uploading of relevant data, the Court finds that the penalty imposed by the respondent-CBSE deserves to be suitably modified. The petitioner has precisely given following explanations, amongst others, which seem to be reasonable:-

- i. On uploading hard copy of list of candidates as submitted by petitioner-School to the CBSE portal online, the late fine in respect of each of 189 students of the petitioner-School reflected as 'zero' (0).



- ii. The petitioner-School was unable to deposit of the amount of late fee on the due date as the duty of completing the payment was entrusted to one Mr. Chinmay Sarkar, who did not deposit the same, causing delay.
 - iii. A fee of Rs. 87,025/- was already deposited, on 12.12.2014, by petitioner-School.
 - iv. The petitioner-School made a request to CBSE to waive off the penalty, however, CBSE rejected the representation on 17.02.2015 and directed the petitioner-School to send the representation to Department of Education [DoE]. The representation made to DoE was also rejected on 19.02.2015.
 - v. There was no default in depositing the fee prior to 2014. The petitioner-School submits that being an aided school, a schedule of late fee amounting to Rs 5,000/- per student is exorbitantly high, unreasonable and arbitrary.
3. In the light of the aforesaid, the Court directs that the petitioner-School to make a lump sum payment of Rs.4,50,000/- as a symbolic penalty within a period of four weeks. The Court is of the considered opinion that the same would meet the ends of justice.
 4. The petitioner- School also undertakes that they will abide by all further directions passed by the respondent-CBSE.
 5. With the aforesaid directions, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J.

NOVEMBER 6, 2024

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