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

+ W.P.(C) 6784/2016 & CM APPL. 27880/2016

MAXFORT SCHOOL ROHINI

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Rupendra Pratap Singh and Mr.
Sumeer Vatts, Advs.

versus

LT GOVERNOR DELHI AND ANR

.....Respondents

Through: Mr. Santosh Kr. Tripathi SC (Civil)
GNCTD with Mr. Utkarsh Singh, Mr.
Rishabh Srivastava, Advs.

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+ W.P.(C) 6785/2016 & CM APPL. 27882/2016

MAXFORT SCHOOL

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Rupendra Pratap Singh and Mr.
Sumeer Vatts, Advs.

versus

LIEUTENANT GOVERNOR OF DELHI & ANR

.....Respondents

Through: Mr. Santosh Kr. Tripathi SC (Civil)
GNCTD with Mr. Utkarsh Singh, Mr.
Rishabh Srivastava, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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26.09.2024

1. These writ petitions essentially relate to a controversy which has arisen out of the order dated 03.08.2016.



2. Learned senior counsel appearing for the petitioner submits that *vide* order dated 03.08.2016, the respondent-GNCTD, in defiance of extant rules and regulations, directed for taking over the petitioner-school by exercising powers purportedly vested under the provisions of Section 20(1) of the Delhi School Education Act, 1973.

3. The respondents have contested the issue while filing the reply.

4. The submissions made by the learned senior counsel for petitioner have been strongly denied by the respondents. However, while the writ petitions remained pending and the Court granted stay against the impugned order, the matter was taken up for consideration on 21.08.2024. The Court, while considering the subsequent developments and an undertaking by the petitioner to rectify the deficiencies pointed out in the show cause notice, directed the Department of Education (DoE) to take instructions.

5. When the matter was called out, learned counsel who appears on behalf of the respondent-DOE fairly submits that the writ petitions can be disposed of directing the petitioner to file a fresh representation pointing out the steps taken by the petitioner in pursuance of the deficiencies pointed out in the show cause notice. He, however, submits that if the petitioner's compliances are found to be unsatisfactory, the respondent-DOE may be granted liberty to proceed in accordance with law.

6. Having considering the submissions in brief, the Court, at this stage, finds it appropriate to dispose of these writ petitions with the following directions:-

(i) Let the petitioner to file a detailed representation along with necessary documents, pointing out the compliance of the show cause notice.



(ii) Let the representation so submitted by the petitioner be considered by the respondent-DOE in accordance with law and in case, respondent-DOE is of the opinion that the petitioner is still in non-compliance of any of the regulations, let an opportunity of hearing be extended to the petitioner.

(iii) If after extending opportunity of hearing, the respondent-DOE finds that the petitioner is in non-compliance of any of the extant regulations, the respondent-DOE shall be at liberty to proceed with the matter in accordance with law.

(iv) The petitioner, thereafter, shall be at liberty to take necessary recourse as may be permissible in law.

(v) The impugned order stands set aside.

7. With the aforesaid directions, the instant writ petitions along with pending applications stand disposed of.

8. All rights and contentions are left open.

9. Learned counsel appearing on behalf of the respondent is directed to place on record the communication dated 25.09.2024 on the digital record of this Court.

PURUSHAINDR KUMAR KAURAV, J
SEPTEMBER 26, 2024/MJ