



\$~84

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 5195/2017 & CM APPL. 22130/2017

JUSTICE FOR ALL

.....Petitioner

Through: Appearance not given.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Mehak Nakra, ASC with Ms. Gunjan Suyal, Advocate for R-1/GNCTD).

Mr. Sujit Kumar Singh, Additional Standing Counsel

Mr. S.S. Hooda, Advocate for R-6.

Ms. Monika Arora, Mr. Subhrodeep Saha, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

03.09.2024

%

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have sought the following relief:

“(a) issue an appropriate writ order or direction to respondents no. 1 to 5 to ensure that the schools recognized by respondents no. 2 to 5 and situated at the DDA land shall not increase the rate of tuition fee without prior sanction of Director of education.

(b) issue any appropriate writ, order or direction to the Respondents No. 1, 2, 3, 4 and 5 to ensure that every school under their jurisdiction shall submit the statement of fee under section 17(3) of the Delhi school education Act, 1973 before the commencement of the session.

(c) issue any appropriate writ, order or direction to the respondent to audit and determine the correctness of fee structure submitted by the school under section 17(3) of the Delhi School Education Act, 1973.

(d) issue any appropriate writ, order or direction to the respondents to ensure the submission of annual return of the school under rule 180 of Delhi School Education Rules, 1973 in the format directed by Hon'ble Supreme Court in Modern school Vs. Union of India.

(e) issue any appropriate writ order or direction to the respondents to



ensure the audit of account of each and every school and ensure that the funds collected for the specific purpose is utilized for the same purpose and there is no transfer of any fund to society directly or indirectly.

(f) issue an appropriate writ order or direction to ensure the strict compliance of Order NO. DE.15/Act/DUGGAL.COM/203/99/23039-23988 dated 15.12.99 up to the extent the same has been modified and upheld by Hon'ble supreme court in Modern school Vs. Union of India.

(g) issue any appropriate writ, order or direction to ensure the strict compliance of direction issued by director of education to the private schools on by Hon'ble supreme court in para 27 of Modern School vs. Union of India for the schools other than school situated at the DDA land.

(h) issue any appropriate writ, order or direction to the respondent director of education to ensure the strict compliance of order No. DE. 15/Act/Duggal.Com/203/99/23989-24938 dated 15-12-99 issued by them regarding constitution of fee anomaly committee as a grievance redressal of the parents.”

2. During arguments, the learned counsel for the petitioner informed this court that Hon'ble Supreme Court of India in the case of ***Modern School vs. Union of India***, (2004) 5 SCC 853 has issued certain directions which are applicable to all the authorities concerned and the said authorities are not complying the directions passed by the Supreme Court in the aforesaid case.
3. Accordingly, we hereby dispose of this petition by giving an opportunity to the petitioner to file a contempt petition against the concerned authorities as to how and in what manner the said authorities are not complying the directions passed by the Hon'ble Supreme Court of India in ***Modern School*** (supra).
4. Accordingly, pending application also stands disposed of.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

SEPTEMBER 3, 2024/ry