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

+ **W.P.(C) 937/2025, CM APPL. 4575/2025 & CM APPL. 4576/2025**

DELHI PUBLIC SCHOOL, MATHURA ROADPetitioner

Through: **Mr. Puneet Mittal, Sr. Advocate**
with **Mr. Abhishumat Gupta, Mr. Sammer Vatts, Advocates.**

versus

MANOJ KUMAR SHARMA & ANR.Respondents

Through: **Mr. Manish Gupta, Ms. Deepti Verma, Mr. Prateek Gupta, Ms. Soumya China, Advocates for R-1.**
Mr. Gaurav Dhingra, Mr. Shashank Singh Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.01.2025

1. The petitioner has filed this petition under Article 226 of the Constitution, assailing an interim direction passed by the Delhi School Tribunal ["the Tribunal"] in an appeal filed by respondent No. 1 herein.
2. Respondent No. 1 was employed as a Post Graduate Teacher (Physics) in the petitioner school – Delhi Public School, Mathura Road ["School"]. Disciplinary proceedings were initiated against him in the year 2016, which led to his suspension on 03.03.2017, and ultimately to an order of termination dated 10.11.2023.



3. Respondent No. 1 has challenged the said termination order before the Tribunal in the subject proceedings.
4. The issue in this writ petition concerns the school fees payable by respondent No. 1 for his daughter, who is currently a student of Class 12 in the School. A letter dated 16.12.2024 has been placed on record, whereby the School required the respondent No. 1 to clear outstanding fees of ₹29,810/- (upto December 2024) by 22.12.2024. It was stated that the name of the respondent No. 1's daughter would be struck off from the rolls of the School with effect from 23.12.2024 in the event of default.
5. It is stated by Mr. Puneet Mittal, learned Senior Counsel for the petitioner – School, that the fees were paid on 18.12.2024.
6. From the impugned order dated 07.01.2025, it appears that an adjournment was sought on behalf of School, to which learned counsel for respondent No. 1 herein objected. In the course of these submissions, the fact that the School was demanding payment of fees for his daughter, on the basis of non-staff fee structure, was brought to the attention of the Tribunal. No objection to the adjournment sought by the School was given, subject to the School being restrained from striking off his daughter from the rolls of the School. Although an objection was recorded that this was not the subject matter of the case, the Tribunal granted the adjournment, and also directed the School to ensure that the name of the student was not struck off from the School.
7. In the writ petition, the contention of the School is that such a direction is beyond the scope of the pending appeal and is also *ultra vires* the jurisdiction of the Tribunal under the Act.
8. Learned counsel for respondent No. 1 contests these submissions.



9. In the course of arguments, however, learned counsel for the parties have achieved a consensus on the limited question with regard to enrolment and continuation of respondent No. 1's daughter, which makes adjudication of the contested legal issues unnecessary.

10. With the consent of learned Senior Counsel for the petitioner and learned counsel for respondent No. 1, the writ petition, alongwith all pending applications, is disposed of with the following directions:

- A. Respondent No. 1 has already paid the fees of his daughter in terms of the School's communication dated 16.12.2024 until the month of December, 2024. She is already in Class 12 and fees are required to be paid only for three further months, i.e., from January 2025 to March 2025. These fees will be paid on a monthly basis by 31.01.2025, 28.02.2025 and 31.03.2025.
- B. The payment of fees on the non-staff fee structure by respondent No. 1, and acceptance thereof by the petitioner, is without prejudice to the rights and contentions of the parties in the pending appeal before the Tribunal.
- C. In the event the appeal succeeds, the amounts paid by the respondent No. 1 towards the fees of his daughter, in excess of the fees that would have been paid in the staff category, will be refunded by the School to respondent No. 1 within a period of two weeks after the order of the Tribunal.
- D. The appeal is scheduled to be heard on 27.01.2025. Learned counsel for the parties assure the Court that they will appear before the Tribunal on the said date, and will render



necessary cooperation for expeditious disposal of the appeal.

JANUARY 24, 2025
'Bhupi/JM'

PRATEEK JALAN, J