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

+ LPA 241/2025, CM APPLs. 20646/2025, 20647/2025, 20962/2025 & 20649/2025

NAYA SAMAJ PARENTS ASSOCIATIONAppellant

Through: Mr.Khagesh B. Jha, Ms.Shikha
Sharma Bagga and Mr.Ankit Mann,
Advs.

versus

ACTION COMMITTEE UNAIDED RECOGNIZED PRIVATE
SCHOOL AND ANRRespondents

Through: Mr.Kamal Gupta, Ms.Tripti Gupta
and Mr.Sparsh Aggarwal, Advs.
Mr.Sameer Vashisht, SC for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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08.04.2025

CM APPL. 20648/2025 (Delay in filing the appeal)

1. Heard learned counsel for the parties.
2. Having regard to the contents of the application seeking condonation of delay in filing this appeal, the same stands allowed. The delay of 310 days in filing the present appeal is hereby condoned.
3. Accordingly, the application stands disposed of.

LPA 241/2025, CM APPLs. 20646/2025, 20647/2025, 20962/2025 & 20649/2025

4. The instant intra-court appeal has been preferred by the appellant which is an association of parents of school going children in Delhi against



an interim order dated 29.04.2024, passed in W.P.(C) 5743/2024, whereby, the learned Single Judge has stayed the circular challenged in the writ petition, dated 27.03.2024, issued by the Director of Education.

5. Learned counsel for the appellant, however, states that the appellant is not aggrieved by the said stay order rather, the grievance is in relation to the findings recorded by learned Single Judge in paragraph no.29 of the said order wherein, it has been observed by the learned Single Judge that an un-aided recognised private school is not required to take prior approval of the Department of Education before increasing the fee, irrespective of whether there is a land clause or not.

6. We may note that the appellant is not a party before the learned Single Judge. Further, the order under challenge herein is only an interim order and accordingly, any finding recorded by the learned Single Judge in the said order including those in paragraph no.29 are only tentative.

7. The matter is yet to be decided finally by the learned Single Judge. In view of the aforesaid, we find it more appropriate to permit the appellant to seek impleadment in the pending writ petition and seek clarification of the order/argue the matter finally.

8. For the said reason, we are not inclined to entertain this intra-court appeal which is hereby dismissed along with pending applications with the liberty to the appellant to approach the learned Single Judge seeking its impleadment in the writ petition.

9. Mr.Sameer Vashisht, learned Standing Counsel representing respondent-NCT of Delhi has stated that the issue engaging attention of learned Single Judge is of wide implications and because of various reasons, there appears to be unrest not only amongst the parents but also the school



going children on account of increase in fee and, therefore, he requests that the learned Single Judge may be requested by this Court to expedite the proceedings of the writ petition.

10. Against the order impugned in this appeal, the Directorate of Education had instituted *LPA 563/2024*, which has been disposed of by a Coordinate Bench of this Court by means of an order dated 09.07.2024, wherein, the learned Single Judge has already been requested to expedite the proceedings of the interim applications pending in the writ petition.

11. We thus, hope and expect that proceedings of the interim applications pending before the learned Single Judge as also those of the writ petition shall be expedited and concluded as early as possible.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 8, 2025/MJ