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

+ W.P.(C) 5785/2025 & CM APPL. 26380/2025

JASPAL KAUR PUBLIC SCHOOL

.....Petitioner

Through: Mr. Dayan Krishnan and Mr. Gautam Narayan, Sr. Advs. with Ms. Chand Chopra, Mr. Sukrit Seth, Mr. Shreedhar Kale, Ms. Disha Joshi and Ms. Neha Bhupthiraju, Advs.

versus

DIRECTORATE OF EDUCATION GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Mr. Sameer Vashisht, SC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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02.05.2025

CM APPL. 26381/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5785/2025

3. The present petition has been filed under Article 226 of the Constitution of India seeking following relief:

(A) Issue a Writ of Certiorari and / or an appropriate Writ, order or direction in the nature of Certiorari in favour of the Petitioner and against the Respondent by quashing / setting aside the Order No. F.No.DE.15(3286/PSB/2025/4258-4265 dated 17.04.2025 and the findings contained therein;

(B) Issue a writ of Mandamus and / or an appropriate Writ, order or direction in the nature of Mandamus to the Respondent directing



the Respondent not to interfere in or pass orders restricting or prohibiting the Petitioner School from increasing its fees on a yearly basis as per its legitimate needs as long as the same is in accordance with law;

(C) Grant costs of the present proceedings in favour of the Petitioner and against the Respondent;

4. Mr. Gautam Narayan, the learned Senior Counsel for the petitioner submits that on the basis of the complaint made by the parents of one of the students on 17.04.2025, the impugned order came to be passed on the same day whereby the following directions have been given by the DoE:

i. withdraw the Hiked Fee with immediate effect till such time as the school satisfies DoE that such fee hike does not lead to commercialisation and profiteering,

ii. Immediately stop discriminating/harassing the students and allow all the students to attend the classes with immediate effect.

5. He submits that before passing such a direction, the principles of natural justice were not complied with, in as much as, no show cause notice was issued to the petitioner.

6. He further submits that DoE has concluded that the petitioner is indulging in commercialising and profiteering without any supporting reason.

7. He further contends that the previous inspection done by the DoE, to which the attention of the Court has been drawn, shows that the petitioner school had been complying with all the provisions of the Act and no discrepancies, whatsoever, was found.

8. In view of the above, issue notice.

9. Mr. Sameer Vashisht, the learned Standing Counsel for the



DoE/respondent accepts notice. He clarifies the position that the so called impugned order dated 17.04.2025 is, in fact, a show cause notice and the same may be treated as such. To buttress his contention he draws court's attention to the last paragraph of the impugned order whereby the petitioner has been called upon to submit its reply within a period of 05 days.

10. In view of the submission of Mr. Vashisht, the present petition is disposed of with a direction that the impugned order dated 17.04.2025 shall be treated as show cause notice issued by the respondent/DoE to the present petitioner, to which the petitioner school has already submitted its response dated 22.04.2025. However, the respondent school shall be at liberty to file an additional reply to the said show cause notice within a period of 10 working days from today, whereafter the DoE may pass a speaking order.

11. At this stage, Mr. Narayan submits that a copy of the complaint dated 17.04.2025 made by the parents of one of the students, which is the basis of issuance of the show cause notice, has not been supplied to the petitioner school.

12. In that view of the matter, the respondent/DoE is directed to supply a copy of the said letter dated 17.04.2025 to the school on 05.05.2025, when the representative of the school will appear before the concerned authority.

13. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

MAY 2, 2025/dss