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

+ **W.P.(C) 11691/2025**

**WAZIRPUR JJ COLONY ASSOCIATION** .....Petitioner

Through: Mr.Pankaj Sinha, Adv. with  
Ms.Humaira Salam, Ms. Garima &  
Mr.Sunil Kumar Tiwari, Advs.

versus

**THE GOVT. OF NCT OF DELHI AND ORS** .....Respondents

Through: Mr.Dhruv Rohatgi, Adv. with  
Ms.Akanksha Singh Rohatgi,  
Ms.Chandrika Sachdev and Mr.Dhruv  
Kumar, Advs.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**06.08.2025**

1. Heard the learned counsel for the parties.
2. This petition has been instituted by the petitioner/Association in public interest, primarily with the grievance that the authorities of the education department of Government of NCT of Delhi are not strictly following various provisions of the Right of Children to Free and Compulsory Education Act, 2009 ['RTE Act, 2009'] and the rules framed there under, particularly the context of the children/students belonging to the economically weaker section and disadvantaged groups of the society.
3. It has been argued by learned counsel for the petitioner that even after



being admitted under the provisions of RTE Act, 2009, these students are being charged various fees at the schools and are even being threatened for being expelled which not only hampers the right of these children to free education in terms of RTE Act, 2009 but is also a clear infringement of Article 21A of the Constitution of India.

4. Various instances have been given in the writ petition where schools have been charging fees from these students. Instances have also been given where the students have been expelled without their being any plausible cause for the same.

5. If we peruse the prayer clause in the writ petition, what we find is that the petitioner has prayed for issuance of a direction to the authorities concerned to look into the complaints/representations made and take decision and action thereon. Another prayer made in the writ petition is that appropriate direction may be issued to ensure that no breach of RTE Act, 2009 by the schools takes place in respect of the students belonging to the economically weaker sections/disadvantaged groups in the society and to do what is required to be done both by the authorities of the education department as also by the schools to ensure that these children/students are able to realize their right to free education emanating from RTE Act, 2009 as also from Article 21A of the Constitution of India. The other prayers made in the writ petition are general in nature concerning appropriate implementation of the various provisions of RTE Act, 2009 and the rules framed thereunder.

6. The petitioner/Association has represented the cause of some of the students by way of making a representation dated 23.11.2024 addressed to the Director of Education, Government of NCT of Delhi and according to the learned counsel for the petitioner, no decision on the said representation has



either been taken nor communicated to the petitioner/Association. He further states that there are several other students who are not only being illegally charged fee by the schools where they have been admitted but have even been expelled from their respective schools. The representation made by the petitioner/Association is contained in Annexure P-2 appended to the writ petition.

7. Our attention has also been drawn to Annexure P-4 appended to the writ petition, which appears to be a fee receipt of the fee charged from one student namely, Aditya Raj by DAV Public School, Ashok Vihar, Phase-IV, Delhi. It is the submission on behalf of the petitioner/Association that the fee receipt contained in Annexure P-4 to the writ petition is only one such example, there are various other instances where these students are being charged fee denying their right to free education.

8. Having regard to the nature of issue raised, we permit the petitioner to take up the cause of all such students with the Director of Education, Government of NCT Delhi, by way of making a representation taking all the pleas which may be available to the petitioner and enclosing therewith all the documents which the petitioner intends to rely on. The said representation shall be made within a period of four weeks.

9. In case any such representation/application is made, the same shall be attended to and considered by the Director of Education. An appropriate decision shall also be taken on such representation, of course, in accordance with law and after affording opportunity of hearing to the school concerned as well. The decision on the representation to be preferred by the petitioner/Association under this order shall be taken by the Director of Education within 10 weeks from the date of its receipt.



10. We further direct that if on the basis of decision to be taken on the representation to be preferred by the petitioner/Association, any legally permissible action is required to be taken, the same shall also be ensured by the Director of Education. The decision and the action, which may be taken under this order, shall be communicated to the petitioner as well.

11. The writ petition, thus, stands disposed of in the aforesaid terms.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**TUSHAR RAO GEDELA, J**

**AUGUST 6, 2025**

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