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

+ **W.P.(C) 17166/2025**

**SWAMI SIVANANDA MEMORIAL INSTITUTE OF FINE ARTS
AND CRAFTS & ANR.**

.....Petitioners

Through: Mr. Sushil Dutt Salwan, Senior
Advocate with Mr. Arjun Garg, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Prithvi Sabharwal, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.11.2025

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CM APPL. 70600/2025 (Exemption)

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

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3. This writ petition is filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Issue an appropriate writ, order or direction in the nature of Mandamus, directing the Respondent to accept the request of the Petitioners to change the status of the petitioner no. 2 (“Swami Sivananda Memorial Primary School”) from being a Recognised Private Aided School to a Recognised Private Unaided School, and consequently, discontinue the Grant-in-Aid to the said school and treat it as a Recognised Private Unaided School with effect from 01.04.2026;

b. Direct the Respondent to take appropriate steps for the absorption or re-deployment of the existing teaching and non-teaching staff as well as the students of the petitioner no. 2 school in other Aided or Government Schools under its control, in accordance with applicable rules and



policies;

c. Declare that the Petitioner no. 1 Society is legally entitled to discontinue Government Aid and to manage and administer the petitioner no. 2 institution independently as an Unaided Recognized School under the Delhi School Education Act, 1973 and the Rules framed thereunder;

d. Direct the Respondent to clear all the grant-in-aid due to the Petitioners for the last more than 10 years along with interest from the due and also pay for teachers/staff hired by them against the vacancies that arose in the petitioner no. 2 school due to superannuation of the earlier staff.”

4. Petitioners are aggrieved by the inaction of MCD in accepting their application for change of status of Petitioner No.2/School from aided to unaided and consequently stop the grant-in-aid and absorb the staff and students of the aided school in any other MCD school or private aided school. Representation has been made by the Petitioners on 21.03.2025 followed by a communication dated 31.07.2025, but no decision has been taken so far, compelling the Petitioners to approach this Court.

5. Issue notice.

6. Mr. Pritish Sabharwal, learned counsel accepts notice on behalf of the Respondent and on instructions submits that representation of the Petitioners shall be decided within four weeks from today.

7. Accordingly, this writ petition is disposed of taking the assurance of the Respondent on record that representation dated 21.03.2025 will be decided within four weeks. The decision taken by MCD will be communicated to the Petitioners within a week from the date of the decision. It will be open to the Petitioners to take recourse to appropriate remedies to challenge the decision, in the event the Petitioners are aggrieved by the said decision, in accordance with law. It is made clear that Court has not expressed any opinion on the merits of the case and all rights and



contentions of the respective parties are left open.

JYOTI SINGH, J

NOVEMBER 12, 2025

S.Sharma