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

+ **LPA 14/2025**

**KULDEEP KUMAR & ANR.**

.....Appellants

Through: Mr. Rahul Mehra, Senior Advocate.

versus

**DIRECTORATE OF EDUCATION & ORS.**

.....Respondents

Through: Mr. Sameer Vashisht, Standing Counsel (Civil), GNCTD alongwith Mr. Manashawy Jha and Ms. Harshita Nathrani, Advocates for R-1 & R3.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

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

**ORDER**

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**10.01.2025**

**CM APPL. 1074/2025 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

**CM APPL. 1075/2025**

3. This is an application seeking condonation of delay of three days in filing the appeal.
4. For the reasons stated in the application, the application is allowed and the delay in filing the Letter Patent Appeal is condoned.

**LPA 14/2025**

5. The appellants have filed the present appeal impugning an order dated 23.10.2024 (hereafter *the impugned order*) passed by the learned Single Judge in W.P.(C) No.26/2022 captioned ***Kuldeep Kumar & Anr. v. Directorate of Education & Ors.***



6. The appellants have filed the above captioned petition, *inter alia*, praying as under:

- “a) Allow the present writ petition, and consequently;
- b) Issue a writ of certiorari or any other writ, order or direction quashing the impugned oral order dated 10.02.2020 and the order dated 02.03.2020 illegally striking off the name of the Petitioner No.2 from the rolls of the school by the Respondent No. 2, and consequently issue a writ of mandamus or any other writ, order or direction thereby directing the Respondents to restore the name of the Petitioner No. 2 on the rolls of the Respondent No. 2 and admit the Petitioner No. 2 in Class 2 (Second) now;
- c) Award costs.”

7. Appellant no.2 was admitted to Class Nursery (Pre-School) in respondent no.2 school during the academic session 2019-20. The appellants states that appellant no.1 had initially paid the provisional fee as demanded by respondent no.2 school and the receipt for the same was also issued. However, according to the appellant, the fee charged by respondent no.2 school is excessive and had been raised without due approval of the Directorate of Education (DoE) and yet respondent no.2 school continued to request the appellants to pay the fees as fixed (₹7,000/- per month). Since the appellants failed to pay the same, the name of appellant no.2 was struck off from the rolls of respondent no.2 school with effect from 11.02.2020 and the same was also communicated to the appellants *vide* letter dated 02.03.2020.

8. It is the case of the appellants that they had made various representations and also made complaints to the DoE, however, the same were in vain. Accordingly, the appellants filed the aforementioned petition on 16.12.2021.

9. The learned Single Judge noted in the impugned order that respondent



no.2 school had increased the fee, on the basis of 10% increase over the previous session, to ₹7,700/- per month. However, the DoE did not accept the same and the fees continued to be pegged at Rs.7,000/- per month.

10. The fee structure as approved by the DoE has been set out in paragraph 22 of the impugned order. The same is reproduced below:

“22. Mr. Singh submits, that no fee hike has been allowed to respondent No. 2 school by the DoE since the Academic Session 2015-2016. Counsel draws attention to Status Report dated 03.09.2023 filed by the DoE, summarising the fee structure proposed by respondent No.2 school, and approved by the DoE, the relevant portion whereof reads as follows :

*"3. That, in compliance of the directions of Hon'ble High Court the records related to the fee structure details submitted by the Respondent school under section 17(3) DSEAR, 1973 to the zonal office of Deputy Director of Education, Zone-17, District West- B, (in short, DDE Zone-17) Vikas Puri, New Delhi may be summarised as under:-*

| Class                                       | Session | Amount of Tuition fee (Proposed) | Amount of Tuition fee actual charged |
|---------------------------------------------|---------|----------------------------------|--------------------------------------|
| Pre –school /entry-level/seedling (Nursery) | 2015-16 | 7000                             | 7000                                 |
|                                             | 2016-17 | 7000                             | 7000                                 |
|                                             | 2017-18 | 7000                             | 7000                                 |
|                                             | 2018-19 | 7000                             | 7000*                                |
|                                             | 2019-20 | 7000                             | 7000                                 |
|                                             | 2020-21 | 7000                             | 7000                                 |
|                                             | 2021-22 | 7000                             | 7000                                 |
|                                             | 2022-23 | 7000                             | 7000                                 |
|                                             | 2023-24 | 7000                             | 7000                                 |



*Explanation:- \*As per order of Respondent DoE dated 17.10.2017, all schools running either on private land or DDA/L & DO allotted land has given (sic) liberty to increase fee without condition to seek prior sanction of Directorate of Education. In view of the same direction Respondent school enhanced tuition fee from 7000/- per month to 7700/- per month @10% in session 2018-2019, but the same order was withdrawn by Respondent DOE on 17.04.2018. Hence the Respondent school again decreases (sic) the enhanced tuition fee to Rs. 7000/-, hence ultimately there is no fee hike."*

(emphasis supplied)

11. As stated above, appellant no.2 had joined respondent no.2 school for the academic session 2019-20. Thus, in terms of the fee structure as approved by DoE, the tuition fee for the said year was Rs.7,000/- per month.

The learned Single Judge had, accordingly, held as under:

“24. After examining the facts and circumstances of the case, considering the position taken by the DoE, and having reviewed the approved fee structure of respondent No. 2 school as detailed in status report dated 03.09.2023, the following inferences can be drawn:

24.1. It is not disputed that petitioner No. 2 joined the school in the Nursery/Pre-school class in the Academic Session 2019-2020. The petitioners have themselves filed on record a fee receipt dated 30.03.2019 which shows that they paid a total of Rs.23,100/- as tuition fee for the months of April, May, and June 2019, which means a monthly tuition fee of Rs. 7,700/-. There is no material to show that the school had declared, or that the DoE had approved, tuition fee of Rs. 5,130/- per month for that Academic Session; and, on point of fact, the fee-card cited by the petitioners to show that the tuition fee was Rs.5,130/- per month relates to the Academic Session 2014-2015.



24.2. The DoE status report also reveals that though respondent No.2 school had proposed a monthly tuition fee of Rs. 7,700/-, for Academic Session 2018-19, the DoE ultimately allowed the school to charge only Rs. 7,000/- per month; and that this fee structure has consequently remained unchanged since the Academic Session 2015-2016. Therefore, respondent No.2 school was obligated to adjust the tuition fee paid by the petitioners to reflect a charge of only Rs. 7,000/- per month, despite the petitioners having paid Rs. 7,700/- per month for April, May and June 2019.

24.3. As explained by learned senior counsel appearing for the school, requisite adjustment has already been made by the school and the documents placed on record show that the school has only charged Rs. 7,000/- per month as the monthly tuition fee.

24.4. Furthermore, as per Rule 35 of the Delhi School Education Rules, 1973, if fees are not paid within 20 days of the due date, the school is entitled to remove a student's name from its rolls, although the Head of the school can extend the time for payment, but the grace period also cannot be more than 10 additional days. The rule further stipulates that students cannot be removed without giving to the parents a reasonable opportunity of being heard in relation to the proposed action. However, in this instance, the petitioners have not provided any valid reason for failing to pay the approved monthly fee of Rs.7,000/- other than asserting that the tuition fee for the Nursery/Pre-school class for Academic Session 2019-20 onwards should have been Rs. 5,130/- per month.

24.5. Given that the DoE approved tuition fee for the relevant Academic Session was Rs. 7,000/- per month and there is no material to support the petitioners' claim that it was Rs. 5,130/-, the court finds no grounds to grant to the petitioners an opportunity to contest the removal of



petitioner No. 2 from the school rolls.”

12. Mr. Rahul Mehra, the learned senior counsel appearing for the appellants submitted that it was an admitted fact that the fee for the academic session 2014-15 was ₹5,130/- and there is no explanation as to how the said fee had increased thereafter. We find the said contention insubstantial. It is clear from the facts on record that the fee had been raised to ₹7,700/- per month during the academic session of 2015-16, which is five years prior to appellant no.2 taking admission in respondent no.2 school. It is also relevant to note that the appellants had initially paid the fees as per the schedule fixed by respondent no.2 school.

13. Considering that the DoE has approved the fee for the relevant academic session at ₹7,000/- per month, we are unable to accept that the appellants can be permitted to raise any grievance regarding increase in the fee structure in respect of the academic year 2015-16.

14. We find no grounds to interfere with the impugned judgment. The appeal is, accordingly, dismissed.

**VIBHU BAKHRU, ACJ**

**TUSHAR RAO GEDELA, J**

**JANUARY 10, 2025**  
ms/kct

*Click here to check corrigendum, if any*