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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11120/2019 & CM APPL. 71602/2025**
AMITY INTERNATIONAL SCHOOL AND ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti Kumari, Mr. Pankaj Kumar Ray, Advs.

versus

THE DIRECTOR, DIRECTORATE OF EDUCATION AND ANR.

.....Respondents

Through: Mr. Abhinav Sharma, Mr. Ujjwal Jain, Advs. for DoE

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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05.05.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayer(s):-

“a) issue a writ of certiorari or any other suitable writ or order quashing and setting aside the Impugned order dated 28.08.2019 issued by the Deputy Director of Education, Directorate of Education, Government of NCT of Delhi; ...”

2. The facts are that the petitioners are challenging the order dated 28.08.2019, which directed as under:-

“1. Not to increase any fee in the name of 'Annual charges' for FY 2017-18 by considering increase in electricity expenses and consultancy charges and depreciation expense.



- 2. Recover the amount used for construction of building amounting Rupees 34941970/- from the society within one month and submit proof of the same to the department.*
 - 3. Submit the explanation for charging as well as increasing the 'Activity Fee' from students without being mentioning the same in fee structure submitted to the directorate of education*
 - 4. To comply with rule 59(1)(b)9(ii) and the instruction issued by the Director (Education) vide order dated 12.04.2010 regarding the constitution of the parents Teacher Association and to submit all the documents related to the election of PTA in view of the claim of the school management for initiating the said election.*
 - 5. To Stop practicing for pointing/ singling out students(s) in the class for the purpose of realization of their pending fees tantamount to discrimination with immediate effect, if resorted to, and the school may use other lawful mechanism / means / ways for recovery of its lawful dues / charges from the parents without involving their children.*
 - 6. Not to make any recommendation / suggestion of any vendor to the parents regarding purchasing of books and uniforms.*
 - 7. The school should involve and take consent of the parents while introducing education programs among its students.”*
3. When the petitioners challenged the said order, this Court recorded the submissions of the learned counsel for the respondents in paragraph



No. 3 of the order dated 18.10.2019, which reads as under:-

“3 Ms. Dacchita Shahi, who appears on advance notice on behalf of the respondents, says that no coercive measures will be taken without regard to the principles of natural Justice. Learned counsel says that the notice of hearing is in the offing and therefore the petitioner's representative will be called for a personal hearing before any coercive measures are taken.

3.1 The statement of the counsel is taken on record.”

4. Thereafter, the petition has been pending.
5. My attention has been drawn to a show cause notice dated 26.05.2022, wherein it has been alleged as under:-

“And whereas, the school management failed to submit the compliance report within the prescribed periods mentioned in the order dated 28.08.2019 and vide letter dated 17.09.2019, the school management sought 04 weeks time for submission of compliance report.

And whereas, the Order dated 28.08.2019 issued by the DoE was not complied with by the School and was further impugned by the school management before the Hon'ble High Court of Delhi vide WP(C) No. 11120/2019; titled as Amity International School and Anr. V/s The Director, Directorate of Education and Anr. in which the Hon'ble Court vide order dated 18.10.2019 issued directions that no adverse orders against the petitioner School be issued by the DOE without affording an opportunity of personal hearing



and in case after hearing the petitioners' representative, an order is passed which is adverse to the interest of the petitioners, the same will not be given effect for one week.

And whereas, in compliance of the above said order of the Hon'ble High Court in WPC 11120/2019, the Director (Education) granted an opportunity to the school authority for personal hearing on 25.10.2019 in the chamber of Director (Education), Education Department, Old Sectt. Delhi-110054 which was re-scheduled for 04.11.2019 (Monday) at 12:30 PM, considering the request made by the school vide letter dated 24.10.2019. Further, during the personal hearing on 04.11.2019 with the Director (Education), the Manager/Hos, Amity International School made a request for providing an opportunity for making further additional submissions in the matter. The said request was accepted and a meeting in this regard was again held on 08.11.2019 in the office of the Dy Director of Education Private School Branch, Directorate of Education wherein the matter was again widely discussed and after discussion, the Manager/Hos. Amity International School requested for some time for submission of their written reply till 14.11.2019.

And whereas, the Manager of the above said school vide letter dated 13.11.2019, again requested for provide some more time i.e. till 19.11.2019 for submission of their written reply and also requested for one more opportunity for



personal hearing with Director (Education) in the matter. In response, the Manager of the school submitted their reply vide letter dated 19.11.2019 along with supporting documents. The reply submitted by the School was perused and it appeared that the school has not offered any new and concrete details or clarifications against the impugned Order dated 28.08.2019 and therefore, the order stands legally binding.

And whereas, taking into consideration all the facts of the case, materials and documents placed on records, representations made to the DoE, the gravity of complaints against the school, reply submitted by the school from time to time and other communications in this regard, it seems that there is deliberate failure on the part of the school management to ensure the proper functioning of the school as per the provisions of DSEAR, 1973, terms and conditions of the recognition guidelines and directions issued from time to time by this directorate as well as the various court orders, It prima facie appear that:

- 1. The school is running on the Govt. land having the condition of seeking the prior approval of the DoE before any fee hike, in their allotment/lease documents, however in utter disregard to the provisions mentioned herein, the school has not filed their proposal for fee hike before the Directorate.*
- 2. Even the school has failed to comply with the direction vide order dated 28.08.2019 to not to increase any fee in the*



name of annual charges in the FY 2017-18 by considering increase of electricity expenses and consultancy charges and depreciation charges.

3 The School Management has failed to comply with the directions vide order dated 28.08.2019 to recover the amount used for construction of the building amounting to Rs. 34941970/- from the society even after a lapse of six months form the issuance of the said directions.

4. The school authorities failed to submit any appropriate explanation of charging and increasing activity fee from the students without being mentioning the same in their fee structure submitted to the DOE. Further, on examination of the record submitted by the school, it has been noted that in FY 2015-16 the school were charging two separate fee i.e. annual fee and other charges which have been merged in FY 2016-17 and 2017-18 without obtaining prior approval from the directorate.

5. The school authorities has been non-compliant and in a habit of applying delay tactics by way of submitting un-necessary communications and requests instead of complying with the directions issued by the DoE.

6. The school management is not seeking the prior approval of the Directorate of Education for any fee hike, as per their land allotment/lease conditions.

7. The school management is using the tuition fees for construction of the school building.



8. *The school management has failed to recover the amount Rs.34941970/-from the society on account of the construction of the school building.*

9. *The school management not complying with the directions of this directorate continuously and repeatedly.*

And whereas, from above said facts that, it appears that despite having ample opportunities and time, the school management of Amity International School his failed to comply with the directions issued by the Directorate of Education vide its order dated 28.08.2019 under section 24 (3) of DSEAR, 1973. It seems that the school management has failed to manage the day to day affairs of the school in the interest of education of the children as manifested under the DSEAR, 1973 and the condition of recognition, which stipulates that the school has to comply with the directions of the DoE and the Acts and Rules and thus has neglected to perform its duties imposed on it under DSEAR, 1973.

And whereas, in view of the above stated facts and records with this Directorate, it also seems that there is an intentional lapses on the part of the management of the Amity International School and the school management has failed to ensure the functioning of the accordance with the provisions of Rule 50, Rule 181, Rule 182 and Rule 183 of DSER 1973 DSEA&R, 1973 as well as the term & recognition, terms and recognition, directions/guidelines of the Directorate of Education issued from time to time and the



Hon'ble Courts. Therefore, it expedient in the interest of school education to initiate an action for taking over the management of the school under section 20(1) read with section 24 (4)(c) of DSEA 1973.

Now, therefore, in view of the above and considering the Orders/directions issued by the DoE under the provisions DSEAR, 1973, the school is hereby Show Caused as to why an action u/s 24(4) of DSEA, 1973 for taking over the Management of Amity International School, New Delhi shall not be initiated against it for the said non compliance, violations of the above said Orders, Circulars and Show Cause Notices issued by the DoE from time to time and irregularities done by the school.

The reply of school to this effect must reach the undersigned within 15 days of receipt of this Notice, failing which, it shall be deemed that the school has nothing to say in the matter and the department will initiate proceedings u/s 24(4) of DSEA, 1973 without any further correspondence.

This issues with the prior approval of the Competent Authority. ”

6. The petitioner has duly responded to the said show cause notice, predicated on the order dated 28.08.2019.
7. After hearing the parties and perusing the documents submitted by the petitioners and inspection also, the DoE passed an order dated 03.12.2024 , which reads as under:-

“As per the approval of the Competent Authority i.e.



Hon'ble Lt. Governor of Delhi, vide UO No. 42575 dated 07.10.2024 the Show Cause Notice to Amity International School, Mayur Vihar, Phase-1, Delhi-110091, vide No. DDE/Zone-11/2022/489 dated 26.05 2022 is hereby withdrawn. Further, the School Authorities are hereby directed to be more careful in future to follow the provision laid down under DSEAR, 1973, RTE Act, 2009 and guidelines/orders issued by: Directorate of Education from time to time."

8. From the perusal of the order dated 03.12.0224, it is clear that the show cause notice issued to the petitioner based on the order dated 28.08.2019 was withdrawn. The only reason for withdrawing the show cause notice seems to be that the respondents were satisfied with the explanation and the submissions of the petitioners.
9. Once the show cause notice based on the order dated 28.08.2019 has been recalled, it is apparent that the order dated 28.08.2019 cannot sustain. Accordingly, the said order is set aside.
10. With these directions, the present petition is disposed of, along with pending applications, if any.
11. The documents handed over in the Court are taken on record.

JASMEET SINGH, J

MAY 5, 2026/sp