



2026:DHC:3445



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10434/2024, CM APPL. 42844/2024, CM APPL. 42845/2024, CM APPL. 52960/2024, CM APPL. 64639/2024, CM APPL. 20399/2025, CM APPL. 20400/2025, CM APPL. 22028/2025 and CM APPL. 22029/2025**

Date of decision: **16.04.2026.**

IN THE MATTER OF:

DELHI PUBLIC SCHOOL DWARKAPetitioner

Through: Mr. Puneet Mittal, Sr. Advocate along
with Mr. Bhuvan Gugnani, Ms. Sakshi
Mendiratta, Advocates.

versus

NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS AND ORS

.....Respondents

Through: Mr. Abhaid Parikh Mr. Rishabh
Dubey , Advocates for R-1.
Mr Satya Ranjan Swain (CGSC) &
Mr Kautilya Birat, Advocate for R-3.
Mr. Manish Gupta. Mr. Sowmya
China, Advocates for impleaders.
Ms. Avni Singh, Panel Counsel,
GNCTD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“(i) Allow the present writ petition and issue a writ, direction or order in



the nature of mandamus, quashing/ setting aside the notice dated 18.07.2024 bearing No. DL-ND21215/NCPCR/2024-25/EDU/0028096 issued by respondent No. 1 directing respondent No. 2 to register an FIR under section 75 of the Juvenile Justice Act, 2015, against the petitioner.

(ii) Direct the respondent No. 3 not to act upon the notice dated 18.07.2024 bearing No. DL-ND21215/NCPCR/2024-25/EDU/0028096 issued by respondent No. 1 for registration of FIR against the petitioner.

(iii) Issue any other suitable writ, direction or order, in favour of the petitioner and against the respondents, which this Hon'ble Court may deem it and proper in the interest of justice."

2. The petitioner has filed the instant petition against the recommendations dated 18.07.2024 issued by National Commission for Protection of Child Rights i.e. respondent no.1 herein purportedly under Section 13(1)(j) of the Commissions for Protection of Child Rights Act, 2005 (hereinafter referred to as the '**Act of 2005**').

3. The primary submission made by Mr. Puneet Mittal, learned senior counsel appearing on behalf of the petitioner-School is that the recommendations are *ex-facie* arbitrary and contrary to the scheme of the Act of 2005. According to him, there is no semblance of the principal of natural justice. If the Commission was of the view that the petitioner-School is in violation of the provisions of the Act of 2005, nothing had prevented to extend an opportunity of hearing to explain the facts and circumstances in right perspective. It is his contention that straightaway directions for lodging of an FIR are wholly unwarranted and are uncalled for.

4. He submits that the petitioner operates various schools throughout the country and any such direction would immensely prejudice the petitioner's reputation and rights, which otherwise are protected under Article 19(1)(g) of the Constitution of India. He, therefore, submits that for all purported



violations, directions for lodging of an FIR is not the only remedy. There could have been any other various remedies and measures, which the Commission would have suggested. He, however, submits that all those aspects could have been looked into when the Commission had given a Show Cause Notice before taking the impugned decision. He further submitted that directing registration of an FIR under Section 75 of the Juvenile Justice Act, 2015, a provision that penalises assault, abandonment and willful neglect of children, was wholly inapplicable to an administrative act of striking off names for non-payment of fees, and that the Commission failed to even examine this threshold question

5. Learned counsel appearing on behalf of the Commission justifies the action. He, however, fairly concedes that the petitioner-School was not heard before the impugned recommendations were made. Additionally, he contends that the recommendations are advisory in nature and if the concerned police station finds that there is no commission of any cognizable offence, the matter can be closed.

6. Mr. Manish Gupta, learned counsel who seeks to represent the intervenors, submits that during the pendency of the instant petition various directions have been passed by the Court, and therefore, the Court should consider the entire facts and circumstances holistically and then to sustain the impugned notice dated 18.07.2024 issued by respondent No. 1, Commission, directing registration of an FIR against the petitioner

7. Ms. Avni Singh, learned counsel who appears on behalf of the respondent-GNCTD also justifies the impugned recommendations.

8. Mr. Mittal in his rejoinder submissions submits that the proposed intervenors have no right to make any submission as the controversy



involved herein essentially is between the petitioner and the Commission. If the Commission's recommendations are found to be *de hors* to the provisions of the Act of 2005, there is no reason to allow intervenors to make submissions.

9. The Court, however, finds that the entire genesis of the dispute lies in the alleged violation of the rights of the children, who are studying in petitioner's school. The veracity of the allegations made against the School or the justification of the conduct, cannot be gone into directly in the instant petition unless the Commission hears all stakeholders and forms an opinion. The Court finds that under Section 13(1)(c) of the Act of 2005, the Commission is fully empowered to inquire into the violation of the child rights and to make recommendations for initiation of the proceedings in such cases. However, to draw the conclusion as to whether there is any violation of the child rights, an opportunity of hearing ought to have been extended to the petitioners.

10. In the instant case, no such opportunity has been extended to the petitioner. The Court, therefore, has to set aside the impugned recommendations and to allow the Commission to extend an opportunity of hearing to the petitioners and all other stakeholders. It will be upto the Commission as to who other parties require to be heard.

11. The Court is unable to accept that the advisory character of the Commission's recommendations absolves it of its obligation to follow natural justice before making them. A recommendation that sets a criminal investigation in motion is not benign. It causes immediate and irreversible reputational harm to the institution regardless of whether the police ultimately registers an FIR or not.



12. The submission of Mr. Gupta stands reserved to the extent of the grievance against the petitioner's school. If the Commission feels that the students and their parents are also to be extended an opportunity of hearing, the concerned Commission can take such a view.

13. The Commission is fully empowered to exercise the rights under Section 13(1)(c). The inquiry, therefore, must take place strictly in accordance with the provisions of the Act of 2005 and all other applicable principles.

14. The Court has not expressed any opinion on the merits of the allegations or and has not accepted any justification.

15. It be noted that during the pendency of the instant petition, certain directions were passed and the inquiry report etc. has been placed on record. All those aspects will have to be considered by the Commission.

16. The petitioner and all other stakeholders shall be at liberty to request for legal assistance through their authorized representative including a lawyer.

17. Looking at the nature of the grievance and the issue involved, the Commission is directed to allow the petitioners and all other stakeholders to be represented by authorized representative(s)/ lawyer.

18. With the aforesaid observations and liberty, the instant petition stands disposed of.

19. All other issues to be raised by the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

APRIL 16, 2026

Nc