



\$~31-32&49

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11984/2024 & CM APPL. 49859/2024, CM APPL.
49860/2024, CM APPL. 8108/2025
PARENTS ASSOCIATION AHLCON PUBLIC SCHOOL

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv with
Mr. R.A. Iyer, Adv, Ms. Asmita Singh, Adv, Mr.
Geet Deharia, Adv

versus

DIRECTORATE OF EDUCATION & ANR.

.....Respondents

Through: Mr. Ravi Sikri, Sr. Advocate with Mr.
Pulkit Tare, Advocate Mr. Deepankar Yadav,
Advocate Mr. Jasbir Bidhuri, Advocate Mrs.
Parul Madaan, Advocate for R2
Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and
Mr. Dhruv Kumar, Advs. for DoE

32

+ W.P.(C) 15767/2024 & CM APPL. 66159/2024, CM APPL.
66160/2024, CM APPL. 8124/2025
AHLCON PUBLIC SCHOOL

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv with
Mr. R.A. Iyer, Adv, Ms. Asmita Singh, Adv, Mr.
Geet Deharia, Adv

versus

DIRECTORATE OF EDUCATION

.....Respondent

Through: Mr. Ravi Sikri, Sr. Advocate with Mr.
Pulkit Tare, Advocate Mr. Deepankar Yadav,
Advocate Mr. Jasbir Bidhuri, Advocate Mrs.
Parul Madaan, Advocate for R2
Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and
Mr. Dhruv Kumar, Advs. for DoE

49

+ W.P.(C) 5692/2025 & CM APPL. 26001/2025, CM APPL.
11822/2026
PARENTS ASSOCIATION AHLCON PUBLIC SCHOOL



THROUGH ITS AUTHORISED REPRESENTATIVEPetitioner

Through: Mr. Gautam Narayan, Sr. Adv with
Mr. R.A. Iyer, Adv, Ms. Asmita Singh, Adv, Mr.
Geet Dehariya, Adv

versus

DIRECTORATE OF EDUCATION THROUGH ITS DEPUTY
DIRECTOR OF EDUCATION & ANR.

.....Respondents

Through: Mr. Manashwy Jha, Ms. Khushboo
Mittal, Mr. Aryaman Vachher, Advocates on
behalf of Mr. Sameer Vashisht (Standing Counsel-
Civil, GNCTD) for R1
Mr. Ravi Sikri, Sr. Advocate with Mr. Pulkit Tare,
Advocate Mr. Deepankar Yadav, Advocate Mr.
Jasbir Bidhuri, Advocate Mrs. Parul Madaan,
Advocate for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.02.2026

%

1. W.P.(C) 11984/2024 & W.P.(C) 5692/2025 are petitions filed under Article 226 of the Constitution of India challenging the illegal fee hike for the year 2023-24, 2024-25, 2025-26 and W.P.(C) 15767/2024 is a petition filed by the school challenging the order dated 24.06.2024 by the Department of Education (“DoE”) rejecting proposal of fee hike for the year 2023-24.
2. Even though the DoE is authorised under the Delhi School Education Act, 1973 (“DSEA”) and Rules framed thereunder to approve/disapprove the fee-hike made by the school, the order dated 24.06.2024 needs to be revisited by the DoE as the same is prima facie contrary to the law laid down in **Action Committee Unaided**



Recognized Private Schools v. DoE, W.P.(C) No. 5743 of 2024.

Under DESA Rules the DoE is only required to examine whether the school is commercialising the education by indulging in profiteering. The relevant paragraphs read as under:

*“31. Respect for judicial pronouncements is one of the pillars of the edifice of the rule of law. The principle that private unaided schools do not have to seek prior approval before enhancing their fees, so long as they do not indulge in profiteering or commercialization of education by charging capitation fees, as well as the proposition that there is a distinction between "commercialisation of education" and making of profits, as enunciated in **Action Committee Unaided Recognized Private Schools**, remains undisturbed till date, though the decision is under challenge before the Division Bench. The only interim direction that has been passed, in order dated 3 April 2019 of the Division Bench in LPA 230/2019 (**DOE v. Action Committee Unaided Recognised Public Schools**) is against collection, by the school, of the interim fee hike as allowed by the DoE Circular dated 17 October 2017. On the prayer for stay of the decision in **Action Committee Unaided Recognized Private Schools**, the Division Bench, in its order dated 8 April 2019 in LPA 230/2019, has observed that the matter would need detailed consideration, and proceeded to fix a series of dates for hearing the issue. That*



hearing, however, has not taken place, and no interim stay of the operation of the judgement in *Action Committee Unaided Recognized Private Schools* has, therefore, been granted.

32. The DoE, howsoever, dissatisfied it may be with the judgment of this Court in *Action Committee Unaided Recognized Private Schools* has to respect it, so long as it stands. The attitude of the DoE in continuously issuing Circulars threatening recognized unaided schools with action in the event of their increasing their fees without obtaining prior approval of the DoE is objectionable, and cannot be allowed.

33. Nor can the DoE issue such Circulars, in the teeth of the decision in *Action Committee Unaided Recognized Private Schools* and when they are challenged, seek to re-argue the points which were canvassed and considered in ***Action Committee Unaided Recognized Private Schools***. Schools cannot be driven to litigation thus. The grievances against the decision in ***Action Committee Unaided Recognised Private Schools*** have, if at all, to be ventilated before the Division Bench before which the appeal is pending. So long as there is no interdiction interlocutory or otherwise, by the Division Bench, with the principle in ***Action Committee Unaided Recognized Private Schools*** that no prior approval of the DoE is required before an unaided recognised school



increases in its fees, even if situated on land to which “land clause”, applies, it is the decision in Action Committee Unaided Recognized Private Schools that would apply, and the DoE is required to respect that position.”

3. Therefore, it is directed that the DoE shall call the authorised representative of the petitioner/counsel for the petitioner and also the representative of Ahlcon Public School with entire supporting documents and shall pass a speaking order in accordance with DSEA and Rules framed there under.
4. Any decision passed by the DoE shall be subject to the outcome of the batch of writ petitions lead matter being WP(C) 7481/2017.
5. The petitions are disposed of in the aforesaid terms.

FEBRUARY 20, 2026/(MS)

JASMEET SINGH, J