

(2003) 03 DEL CK 0059
In the Delhi High Court
Case No : C.W. No. 2556 of 2002

Gautam Sarkar and Others	Vs	APPELLANT
Ram Krishan Kulwant Rai School		RESPONDENT

Date of Decision : 27-03-2003

Acts Referred:

Citation : (2003) 4 AD 81 : (2003) 104 DLT 1030

Hon'ble Judges : A.K. Sikri, J

Bench : Single Bench

Advocate : Ashok Aggarwal, for the Appellant; Arun Kathpalia and Amit Dhupar for Respondent No. 1 and G.S. Sistani, for the Respondent

Judgement

A.K. Sikri, J.—Against the increase of school fee and other charges, complaints dated 25th April, 2001 and 10th April, 2002 were filed with the Director of Education. As per the petitioner, the Director of Education did not take any steps for consideration of the aforesaid complaints and in these circumstances, the present writ petition was filed. The petitioner has relied upon order dated 15th December, 1999 issued by the Officer of Directorate of Education which lays down formalities for considering such complaints. A perusal of this order would show that this order was passed in pursuance of the judgment dated 30th October, 1998 of this Court in CWP No. 3723/1997 and the findings of Justice (retired) Duggal Committee as contained in the report dated 31st July, 1999. The recommendations of the Justice Duggal Committee were accepted and aforesaid order dated 15th December, 1999 was passed by the Director of Education in exercise of powers conferred upon him u/s (3) of Section 24 of Delhi School Education Act, 1973 read with Rules of 50, 51, 177 of Delhi School Education Rules, 1973 by Constituting Fee Anomaly Committee.

2. This order further stipulates that any parent or guardian or a student or any recognised unaided school individually or jointly aggrieved by the amount of fee or any other charge being levied by the school may register a complaint with the Deputy Director of Education (HQ) in the prescribed format and the complaints

shall be referred to the Fee Anomaly Committee of the district concerned as per the territorial jurisdiction Along with the nomination of the Chartered Accountant. The Fee Anomaly Committee is to examine and scrutinise the individual complaints so received within 30 days and submit its report to the Director of Education with its definite findings on the issues referred to it. Another order of even date was passed by the Director of Education and as per para 11 thereof findings of the Fee Committee are to be considered by the Director of Education and appropriate directions issued thereafter. It is stated that these directions would be binding for strict compliance on the Managing Committee/Manager of the recognised unaided school and the complaint including the fee in excess of the amount so determined shall be refunded to the students/parents within 30 days of the issue of such directions.

3. On 23rd April, 2002 when this writ petition came up for hearing, grievance of the petitioner was noted that no action been taken by the Director of Education in respect of complaints dated 25th April, 2001 and 10th April, 2002. It was also noted that as per the petitioner, the respondents had not activated the Fee Anomaly and Grievance Committee. While issuing show cause notice, respondents were directed to file status report with regard to the consideration of the complaints of the petitioner. The respondents had taken time thereafter, repeatedly for doing the needful and no such status report/or counter affidavit has been filed. Mr. Sistani, learned Counsel appearing for respondent No. 2 has produced a copy of order dated 10th January, 2003 as per which Fee Anomaly Committee has now been appointed with the nomination of a Chartered Accountant, to examine and inspect the accounts and related records of the year 2002-2003 of Rai School, Lodhi Road Complex and to ascertain whether or not the fee and other charges under various heads have been collected and utilised as provided for u/s 18 of the Delhi School Education Act, 1973 as well as Delhi School Education Rules, 1973.

4. As per the order dated 15th December, 1999, such a Committee should have been constituted immediately on receipt of complaint and even the Committee was supposed to submit its report within 90 days. For the year 2002-2003 a Committee has been constituted only on 10th January, 2003 when complaint in this behalf was made on 10th April, 2002. This kind of delay on the part of the authorities cannot be appreciated. Such delays unnecessarily undermine the authorities and become cause for suspecting their bona fides leading to filing of such petitions like the present one. It is expected that on receipt of such complaints, the authorities would, in future, act promptly in terms of their own orders dated 15th December, 1999. In consonance of principles of fair play and in order to maintain transparency, it is also directed that on the constitution of such a Committee, the complainant shall also be informed thereof immediately.

5. Be as it may, since the Committee has been constituted vide order dated 10th January, 2003, it is expected that this Committee shall examine and scrutinise the complaint within 90 days and submit its report as provided for by order dated

15th December, 1999. It is also expected that on submission of the report to the Director of Education, he shall also issue appropriate directions, if necessary, depending upon the nature of the report submitted to him.

6. Mr. Aggarwal, learned Counsel for the petitioners submits that although the Committee has been constituted for the year 2002-2003, no such Committee has been constituted for the year 2001-2002 pursuant to complaint dated 25th April, 2001 wherein complaint was made in respect of the hike in fee for Class 2 to Class X. The respondent No. 2 shall look into this aspect also and pass necessary orders within a period of two weeks from the date of receipt of copy of this order.

This writ petition is disposed of with the aforesaid directions.

dusty to Counsel for parties on usual terms.