

(2011) 12 DEL CK 0444

In the Delhi High Court

Case No : Writ Petition (C) 2169 of 2011

In The Matter of Surrender Singh and Others

APPELLANT

Vs

Ramjas School and Others

RESPONDENT

Date of Decision : 05-12-2011

Acts Referred:

Delhi School Education Act, 1973 — Section 17(3)

Citation : (2011) 12 DEL CK 0444

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Ashok Agarwal with Mr. Khogesh Jha and Ms. Jiggussa Chaudhary, for the Appellant; Rakesh Khanna with Mr. S.K. Gupta and Mr. Manish Gupta, Advocates for R-1 and R-2 and Mr. Pankaj Batra, Advocate for R-3/Deptt. of Education, GNCTD, with Mr. Anil Kumar, Dy. Education Officer, Zone West, for the Respondent

Final Decision : Disposed Off

Judgement

Hima Kohli, J.—An additional affidavit dated 03.09.2011 has been filed by respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, wherein it is stated that an order dated 02.09.2011 was passed by the Director of Education, whereunder respondents No. 1 and 2/School were directed to withdraw the arbitrary fee hike of Rs. 400/- per month per child effected from 01.04.2011, with liberty granted to respondents No. 1 and 2/School to reassess its requirement for a fee hike, if any, after pressing into use the financial resources at its disposal. It was further directed that the excess amount already realized from the parents due to the fee hike shall be adjusted by respondents No. 1 and 2/School in the payment of fee of those students over a period of one year, so that there are no immediate financial strain on the School. Counsel for respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, states that despite the aforesaid order directing the School to roll back the enhancement of fee, effected by it, respondents No. 1 and 2/School have proceeded to arbitrarily enhance the tuition fee from Rs. 1,900/- per month to Rs. 2,200/- per month

with effect from 1.4.2011.

2. The minutes of the meeting of the Managing Committee of respondents No. 1 and 2/School dated 15.11.2011 have been placed on record by respondents No. 1 and 2/School along with its additional affidavit dated 28.11.2011. Respondents No. 1 and 2/School has also placed on record a representation dated 05.10.2011 addressed to respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, requesting it to review the earlier order dated 02.09.2011 passed by it for withdrawal of fee the hike for the academic session 2011-12.

3. Having regard to the fact that even as per the understanding of respondents No. 1 and 2/School, it was called upon to roll back the entire hike of tuition fee of Rs. 400/- given effect to from 01.04.2011 onwards, the question of the Managing Committee of respondents No. 1 and 2/School proceeding to revise the tuition fee to Rs. 2,200/- per student per month is not acceptable. It is to be further noted that if respondents No. 1 and 2/School had a grievance that respondent No. 3/Directorate of Education, Govt. of NCT of Delhi was not deciding their representation dated 05.10.2011, it was always open to them to approach the Court for appropriate directions to respondent No. 3/Directorate of Education, Govt. of NCT of Delhi in that regard. However, the same cannot be a ground for continuing with a revision in the school fee in the teeth of the order dated 02.09.2011 passed by respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, which has admittedly not been challenged by respondents No. 1 and 2/School before any forum till date.

4. In view of the above, it is deemed expedient to direct respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, to consider and decide the representation of respondents No. 1 and 2/School dated 05.10.2011 in a time bound manner and preferably within a period of two weeks from today. While taking a decision on the representation of respondents No. 1 and 2/School dated 05.10.2011, respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, shall also take into consideration the observations made by the Managing Committee in its meeting dated 15.11.2011, a copy of which has been served on the counsel for respondent No. 3/Directorate of Education, Govt. of NCT of Delhi. A decision shall be taken by respondent No. 3/Directorate of Education, Govt. of NCT of Delhi, u/s 17(3) of the Delhi School Education Act and the same shall be communicated to respondents No. 1 and 2/School.

5. As regards the implementation of the decision of the Managing Committee of respondents No. 1 and 2/School dated 15.11.2011 in view of the assurance given by learned Senior Advocate appearing for respondents No. 1 and 2/School that the upward revision in fee shall not be given effect to till a decision is taken by respondent No. 3/Directorate of Education, Govt. of NCT of Delhi on the representation filed by respondents No. 1 and 2/School, which is pending at its end, the Court is refraining from passing any further orders. However, respondents No. 1 and 2/School shall be at liberty to continue charging the tuition fee from the students @ of Rs. 1,900/- per month per student w.e.f.

01.04.2011 and further, if amounts in excess have been recovered by the School on account of the fee hike, adjustment thereof shall be given to the concerned students, in terms of the order dated 02.09.2011 passed by respondent No. 3/ Directorate of Education, Govt. of NCT of Delhi.

6. In view of the aforesaid order, nothing further survives in the present petition and the same is disposed of. Needless to state that if respondents No. 1 and 2/ School are aggrieved by the orders that may be passed by respondent No. 3/ Directorate of Education, Govt. of NCT of Delhi on their representation, they shall be entitled to seek their remedies as per law. Further, the petitioners shall also be entitled to make a representation before respondent No. 4/Comptroller and Auditor General of India as regards their grievance relating to non-auditing of accounts of respondents No. 1 and 2/School.

DASTI to the counsel for respondent No. 3/Directorate of Education, Govt. of NCT of Delhi.