

(2012) 01 DEL CK 0188

In the Delhi High Court

Case No : Writ Petition (C) 6091 of 2011 and C.M. No. 12308 of 2011

Rekha

APPELLANT

Vs

Guru Harikishan Public School and Another

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Citation : (2012) 01 DEL CK 0188

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Ashok Aggarwal, with petitioner in person, for the Appellant; R.S. Sasan, for R-1 and Ms. Reeta Kaul, for R-2, for the Respondent

Judgement

Hima Kohli, J.—The present petition is filed by the petitioner praying inter alia for directions to respondent No.1/School to provide the mark sheet of Class VII and Transfer Certificate of her ward Master Abhishek, without insisting upon her to make payment of any amount on account of arrears of school fee.

2. Counsel for the petitioner states that Master Abhishek appeared in Class VII examination in the academic year 2010-11 and qualified the same. However, the mark sheet of the ward of the petitioner was withheld by respondent No.1/School so as to pressurize the petitioner to pay the school fee. It is submitted that the petitioner is a widow, her husband having expired in the year 2008, whereafter she has been facing immense financial hardships and earning her living by stitching clothes, which generates a limited income, insufficient for her to meet the school fee of her ward. It is further stated that though the petitioner had approached respondent No.1/School for full fee concession of her son, such a concession was not granted by respondent No.1/School. The cause of action for filing the present petition is stated to have arisen on 1.4.2011 when respondent No.1/School disallowed Master Abhishek from attending Classes in VII standard in the academic year 2011-12 on account of non-payment of school fees.

3. Notice was issued in the present petition, vide order dated 23.8.2011. On

12.9.2011, counsel for respondent No.1/School produced a statement relating to the outstanding fee payable by the petitioner, upon which counsel for the petitioner sought time to obtain necessary instructions from his client. On 19.9.2011, it was directed that Master Abhishek would continue attending the School till further directions from this Court. Thereafter, a counter affidavit was filed by respondent No.1/School, wherein it is stated that despite non-payment of tuition fee and other charges, the result of the ward of the petitioner was declared and he was promoted to Class VIII-D, but the student was not attending the school on his own. It is further stated that notice for non-payment of school fee and other charges had been issued to the petitioner.

4. Counsel for respondent No.1/School states that besides the nonpayment of school fee w.e.f. September 2011, the petitioner had not been paying the conveyance charges of her ward which is payable @ Rs. 750/- per month. He further submits that the petitioner was asked to apply for full fee concession for the academic year 2011-12 in respect of her ward so that her representation could be placed before the Management Committee of respondent No.1/School for its consideration for favourable action, but she had failed to turn up; nor did she submit any such application. It is further stated that respondent No.1/School is still ready and willing to consider the request of the petitioner for full fee concession for her son for the academic year 2011-12 provided that she completes all requisite formalities in this regard.

5. Counsel for the petitioner responds by stating that if this is the stand of the school, then the petitioner does not wish to press her relief for grant of a Transfer Certificate in favour of her ward and instead, she shall submit an application to respondent No.1/School for grant of full fee concession for the academic years 2011-12 and for 2012-13 within a period of two weeks.

6. In view of the aforesaid facts and circumstances, the present writ petition is disposed of with permission to the petitioner to submit an appropriate application for full fee concession to respondent No.1/School within a period of two weeks. Upon receiving such an application, respondent No.1/School shall consider the same and pass an appropriate order thereon, under written intimation to the petitioner in terms of the submission made by counsel for respondent No.1/School that it is ready and willing to consider the case of the ward of the petitioner for full fee concession for the academic years 2011-12 the year 2012-13.

7. As regards the payment of conveyance charges of the ward of the petitioner, counsel for the petitioner states that the petitioner has deposited the same with the school for the period w.e.f. September 2011 to January 2012 and he assures the Court that the petitioner shall continue paying the conveyance charges in future as well.

8. In view of the aforesaid submission made by the counsel for the parties, no further orders are required to be passed on the issue of conveyance charges

payable by the petitioner.

The petition is disposed of, along with the pending application.