



via video conferencing

\$~73

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3264/2022 & CM APPL. 9489/2022 (Exemption)
ADVIKA BANSAL AND ORS Petitioners
Through Mr. Tarun Dabas, Adv.

versus

MAXFORT SCHOOL THROUGH
ITS PRINCIPAL

..... Respondent

Through Mr. Puneet Mittal, Mr. R.P. Singh and
Mr. Snehashish, Advs. for R-1
Mr. Santosh Kumar Tripathi,
Standing Counsel, GNCTD for R-2

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **22.02.2022**

CM APPL. 9489/2022 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3264/2022

3. The present petition has been preferred by 231 students of respondent no.1-school seeking the following reliefs:

“A. Directions against the Respondent no. 1 by declaring the unconstitutional, arbitrary acts of enhancing or hike of the tuition fee @ 7,950/-being contrary to the prevalent statute/policy codified or framed by the directorate of



education/Respondent no. 2, government of NCT of delhi as well as being contrary to the judicial determination passed vide order dated 31.05.2021 in WP(C) No. 7526/2020 including the interim order dated 07.06.2021 passed in LPA Nos. 179, 180, 184, 185/2021 as well as being contrary to the government orders/notifications;

B. Directions to declare the demand notice dated 06.01.2022 issued by the Respondent no. 1, being arbitrary, whimsical and unconstitutional, contrary to principles of natural justice, contrary to mandate enshrined in the judicial precedent titled as "Modem School Vs. Union of India & Ors." and contrary to the mandate enshrined under article 21A of the constitution of India as well as contrary to the statutory provisions enshrined under Delhi School Education Act and the Delhi School Education Rules of 1973 as well as being contrary to the subsequent government orders/notification s;

C. Directions against the Respondent no. 1 for the compliance of the respective directions issued by the Respondent no. 2 vide abovesaid concerned officials/government notification as well as in terms of the abovesaid judicial determinations pertaining to the deduction of 15% discount against all the heads of fees/charges inclusive of tuition fees and also issue the direction to the Respondent no. 2 for ensuring the same in this regard to protect the legitimate right of the Petitioners herein;

D. Directions against the Respondent no. 2 shall ensure compliance of the mandate and scheme of the Delhi School Education Act and the Delhi School Education Rules of 1973 coupled with the directions issued by the Hon'ble Supreme Court in the judicial precedent titled as "Indian School, Jodhpur & Anr. Vs. State of Rajasthan & Ors." as well as vide order dated 31.05.2021 passed in



WP(C) No. 7526/2020 titled as "Action Committee, Unaided Recognized Private Schools Vs. Directorate of Education" including the interim order dated 07.06.2021 passed in LPA Nos. 179, 180, 184, 185/2021;

E. Directions against the Respondent no. 2 who shall ensure that the school management Respondent no. 1 shall not only restore the status of the Petitioners/students of its institution but also ensure that the Respondent no. 1 shall not debar any student from attending, either online classes or physical classes on account non-payment of the fees / arrears /outstanding fees for the current academic year 2021-22 and further ensure that the school management of the Respondent no. 1 shall not withhold the name of any student / candidate / Petitioners herein for the ensuing annual or Board examination for the current academic year 2021-22 on account fees / arrears etc.;

F. Directions against the Respondent no. 2 for ensuring the compliance on the part of the Respondent no. 1, in terms of government order / notification dated 01.07.2021 bearing no. F.NO.DE.15(114)/PSB/2021/2165-2174."

4. Learned counsel for the petitioner submits that the respondent no.1 has, without any approval from the respondent no.2/Directorate of Education, enhanced the monthly school fees from Rs.6118/- to Rs.7950/- which action is contrary to the provisions of the Delhi School Education Act & Rules. He, further, submits that on account of non-payment of this increased fee, not only has the name of the petitioner no.1 been struck off from the school but even the other petitioners are not being permitted to attend the online classes.



5. Issue notice. Mr. R.P. Singh and Mr. Tripathi accept notice on behalf of respondent nos. 1 & 2 respectively. Counter affidavit, if any, be filed within four weeks. Rejoinder thereto, be filed within four weeks thereafter.
6. Mr. Mittal, learned senior counsel for the respondent no.1, submits that name of petitioner no.1 has not been struck off on account of non-payment of fees but only on account of the actions of her father who has been misbehaving with the staff of the respondent no.1 school and has also been found to be indulging in use of abusive language with them.
7. He, however submits on instructions that, keeping in view the welfare of the petitioner no.1, the respondent no.1 is still willing to take her back, subject to her father filing an undertaking by way of an affidavit before this Court not to publish anything against the school either on the social media or to misbehave with any staff member of the school. This gesture of respondent no.1 school is appreciated and it is expected that the petitioners and their parents will not try to indulge in any unwarranted or abusive behaviour with the staff of the school. This order will, however, not be in any manner construed as curtailing the rights of the petitioners or their parents to raise their grievances against the school, in accordance with law.
8. Learned counsel for the petitioner, on instructions, submits that an affidavit in terms of para 7 hereinabove, will be filed by the father of petitioner no.1 within 3 days. He further submits that without prejudice to their rights and contentions in the present petition, the parents of the petitioners will endeavour to expeditiously pay the



outstanding fees in instalments. The said statement is taken on record and it is expected that before the next date, the parents of the petitioners will pay at least 50 per cent of the outstanding fees to the respondent no.1.

9. List on 06.04.2022.

REKHA PALLI, J

FEBRUARY 22, 2022/ms