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

+ **W.P.(C) 3264/2022**

ADVIKA BANSAL AND ORS

..... Petitioners

Through: Mr. Siddharth Mullick, Advocate for
petitioner Nos. 63 & 64

Mr. Tarun Dabas, Advocate

Versus

MAXFORT SCHOOL THROUGH ITS PRINCIPAL

..... Respondent

Through: Ms. Rachita Garg, Advocate for
respondent No. 1

Mr. Santosh Kumar Tripathi, Standing Counsel,
(Civil), GNCTD alongwith Mr. Utkarsh Singh,
Mr. Tapes Raghav & Mr. Arun Panwar,
Advocates

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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28.03.2023

CM APPL 54144/2022

1. The present application has been filed under Section 151 CPC on behalf of petitioner Nos. 63 and 64 seeking directions.
2. Earlier, the notices were issued to the respondent-School and the respondent-School was directed to file the response.
3. Learned counsel appearing on behalf of the respondent-School submits that the reply is ready and the same would be filed within seven working days from today.
4. Learned counsel appearing on behalf of the petitioner has placed reliance on the decision of this Court in the case of ***Court On Its Motion v. Directorate of Education & Anr.*** passed in W.P.(C) 6658/2019 on



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11.07.2019 and submits that the School leaving certificate be directed to be issued to the petitioner without prejudice to the rights of the petitioner to recover the fees. Para Nos. 3 and 7 to 9 of the aforesaid order dated 11.07.2019 passed in W.P.(C) 6658/2019 are reproduced as under:-

“3. Even if the fees of Respondent No.2 School are yet to be paid by the students, Respondent No.2 is duty bound to give the School Leaving Certificate under the Delhi School Education Act & Rules, 1973 (hereinafter referred to as “the DSEAR, 1973”).

7. As per Rule 167 of the DSEAR, 1973, for the non-payment of school fees, the name of the students can be struck off from the rolls of the school. The School Leaving Certificate cannot be withheld therefore, by Respondent No.2.

8. There are methods of recovering the outstanding school fees with the school. Even a suit could have been filed by Respondent No.2 upon the parents of the students, which has not been done so far. No such suit has been instituted by Respondent School for the recovery of outstanding fees.

9. In view of these facts, this Court is of the opinion that the School Leaving Certificates cannot be withheld by the respondents”.

5. In view of the aforesaid, at this stage, without prejudice to the rights and contentions to be made by learned counsel for the parties, this court finds it appropriate to direct the respondent-School to issue the School leaving certificate and the Marksheet of Class 10th of petitioner Nos. 63 & 64 within seven working days from the date of receipt of the copy of the order passed today.



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6. List on 4th September, 2023.
7. In the meantime, respondent No. 2 is granted last opportunity to file the counter affidavit before the next date of hearing.

PURUSHAINdra KUMAR KAURAV, J

MARCH 28, 2023

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