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

+ **W.P.(C) 3135/2024**

SUNIL SACHDEVA & ORS. Petitioners

Through: Petitioner 1 and 3 in person

versus

THE INDIAN HEIGHTS SCHOOL

THROUGH PRINCIPAL & ORS. Respondents

Through: Mr. Arvind Nayar, Sr.
Advocate with Shubhanker Chaudhary,
Advocate for R1 to 5

Ms. Prasansha, Mr. Utkarsh Singh and Ms.
Nikita Vir for Mr. Santosh Kr. Tripathi,
Standing Counsel for R6 and 10

Ms. Manisha Singh, Advocate for R8

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **04.03.2024**

CM APPL. No. 12828/2024 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 3135/2024 and CM APPL. No. 12827/2024

3. Issue notice to show cause as to why *rule nisi* be not issued.

4. Notice is accepted on behalf of Respondents 1 to 5 by Mr. Shubhanker, on behalf of Respondents 6 and 10 by Ms. Prasansha and

W.P.(C) 3135/2024

Page 1 of 3



on behalf of Respondent 8 by Ms. Manisha Singh.

5. Mr. Sachdeva submits that he does not press for personal impleadment of Respondent 7. Accordingly, Respondent 7 stands deleted from the array of parties.

6. As Mr Sachdeva appears in person, I am not directing filing of any amended memo of parties. Respondents 8 to 11 would, therefore, continue to remain Respondents 8 to 11.

7. Let notice issue to Respondents 9 and 11 by all modes.

8. Counter affidavit, if any, be filed within four weeks with an advance copy to the petitioner, who may file rejoinder thereto, within four weeks thereof.

9. Renotify on 7 May 2024.

10. Mr. Sachdeva also prays that transfer certificates/school leaving certificates may be directed to be released by Respondent 1-School and relies for this purpose on order dated 11 July 2019 passed by a Division Bench of this Court, of which I was a member, in ***Court on its Own Motion v. Directorate of Education & Anr¹***.

11. Mr. Shubhanker, learned counsel for the Respondent 1-School submits that, so far as Petitioner 5 is concerned, she is still studying in the school and has yet to give her terminal examinations and therefore, it is not possible for the school to release the school leaving certificate

¹ WP (C) 6658/2019

W.P.(C) 3135/2024



to Petitioner 5 at this stage.

12. Mr. Shubhanker further submits that Petitioner 2 has already been released the transfer certificate/school leaving certificate. To this, Mr. Sachdeva submits that the school leaving certificate is tainted as it mentions, *inter alia*, the fact that the student was expelled from the school.

13. The fact that the student was expelled is not incorrect, though the validity of the expulsion is under challenge in these proceedings. The Court would cogitate on the said issue as and when the matters comes up for hearing.

14. In so far as Petitioners 1, 3 and 4 are concerned, Mr. Shubhanker submits that, if they approach the school, the school would release their school leaving certificates forthwith.

15. Accordingly, Petitioners 1, 3 and 4 are directed to approach the school forthwith. On the said petitioners approaching the school, the school would release, to the petitioners, their respective school leaving certificates. In case the school does not do so, the petitioners are at liberty to move this Court in that regard.

16. Needless to say, the petitioners are also directed to acknowledge receipt of the school leaving certificate as and when school provides it.

C.HARI SHANKAR, J

MARCH 4, 2024/yg

[Click here to check corrigendum, if any](#)