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

+ W.P.(C) 3142/2020

APEEJAY SCHOOL SAKET & ORS. ... Petitioners

Through: Mr.Sanjeev Ralli, Adv.

versus

GOVT. OF NCT OF DELHI & ORS. ... Respondents

Through: Ms.Santosh Tripathi, ASC for R-1
to R-4.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **27.05.2020**

CM.APPL.11403/2020(exemption)

Allowed subject to all just exceptions.

CM.APPL.11404/2020

1. The hearing has been conducted *via* video-conferencing.
2. This application is filed by the petitioners praying as follows:
“a) to direct respondents No.3 and 4 to keep above referred three (3) show cause notices all dated 23.5.2020 issued to petitioners schools in abeyance till further orders of this Hon'ble Court and not to proceed any further on the basis of said show cause notices without permission of this Hon'ble Court.”
3. I may only note that on 18.05.2020 this court passed the following directions:

“11. Since Mr.Ralli points out that the petitioners are willing to adhere to other directions which, according to official respondents have been violated, I am, for the moment, issuing the following *pro tem* directions:

- (i) The petitioners will charge from the students only the tuition fee, that too, on a monthly basis, at the rates which

were obtaining prior to 31.10.2019.

(i)(a) Mr.Ralli, in this behalf, states that insofar as petitioner No.1 and 3 are concerned, the rates which will be applicable will be those that obtained in the financial year 2016-2017.

(i)(b) Mr.Ralli further submits that insofar as petitioner No.2 is concerned, the rates that will be applicable will be those that obtained in the financial year 2017-2018.

(i) (c) The statement of Mr.Ralli is taken on record.

(ii) The petitioners will not collect any other amounts from the students other than the monthly tuition fee and those which are expressly permitted by the DOE.

(iii) The salaries of staff members and teachers will be paid at the rates presently prevailing.

(iv) The Cyber Crime Cell, Delhi Police will file a report before this Court with regard to their view as to the genuineness of the e-mails referred to hereinabove i.e. e-mails dated 12.12.2019, 16.12.2019 and 25.02.2020.

(v) Till the next date of hearing, the Delhi Police will not take any coercive measures against the management of the petitioners.

(vi) Needless to add, if called upon, the concerned officials and/or management of the petitioners will join the investigation.”

4. Essentially, the plea of the petitioners is reliance on e-mails dated 12.12.2019, 16.12.2019 and 25.02.2020, which are allegedly sent by the Deputy Director, DOE and/or his office to the petitioners. Based on these communications, the petitioners have charged fees for the financial year 2020-2021, which was the fee in the year 2019-2020.

5. Respondents No.1 to 4 dispute the genuineness of the aforesaid

e-mails and that is why a police complaint has been filed.

6. Now, essentially based on the same allegations, namely, that the said e-mails are not genuine and on the alleged conduct of the petitioner schools, the respondents have issued the show cause notice dated 23.05.2020.

7. In view of the interim orders already passed by this court on 18.05.2020, the school is presently obliged to charge fees as directed by this court. Regarding the issue of genuineness of the e-mails, the matter is already referred to the Cyber Crime Cell, Delhi Police who have been restrained from taking any further coercive action against the petitioners. The police has also been directed to file a report before this court with regard to the genuineness of the e-mails referred to above.

8. In these prevailing facts, the learned counsel for the petitioners submits that further proceedings pursuant to the show cause notice may be stayed till the time, the report of the Cyber Crime Cell, Delhi Police comes.

9. These proceedings are initiated by respondents No.3 and 4. Some questions of fact will be common in the proceedings initiated by respondents No.3 and 4 and in the investigation being carried out by the police. Let the petitioners file their response to the show cause notice within one week from today. After a reply is filed by the petitioners, if respondents No.3 and 4 proceed with the matter and pass an order, no coercive steps shall be taken against the petitioners pursuant to any such order if it is passed till the next date of hearing.

10. Needless to add that this order is being passed without prejudice to the rights and contentions of the parties. In case respondents No.3 and 4 choose to pass an order, the Cyber Crime Cell, Delhi Police will file its

report uninfluenced by the said decision of respondents No.3 and 4.

11. Issue notice. Learned counsel for respondents No.1 to 4 accepts notice. Reply be filed within one week from today.

12. List on 08.06.2020.

JAYANT NATH, J.

MAY 27, 2020/v