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

+ W.P.(C) 4192/2020 & CM APPL. No.15065/2020

DAV MODEL SCHOOL

..... Petitioner

Through Mr.Sandeep Sethi, Sr.Adv. with
Mr.Anurag Lakhotia and Mr.Atif
Shamim, Advs.

versus

DIRECTORATE OF EDUCATION

..... Respondent

Through Mr.Ramesh Singh, Standing Counsel,
GNCTD with Ms.Bhawna Kataria
and Mr.Chirayu Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **15.07.2020**

1. This hearing is conducted through video-conferencing.
2. This writ petition is filed by the petitioner seeking an appropriate writ for quashing the impugned order dated 23.06.2020 issued by the Director of Education whereby the petitioner school has been asked to vacate the premises within three weeks of the order, which tantamounts to be a deemed withdrawal of the recognition of the petitioner school.
3. The case of the petitioner is that the school in question started functioning in 1982. In 1994 the school received recognition from the Directorate of Education from Class-I to Class-VIII without aid. In 1996 the school sought upgradation of the school from Middle to Secondary Stage w.e.f. the academic session 1996-1997. The same was granted by the Directorate of Education on 27.03.1996. The school is functioning from the first floor of the concerned building. The petitioner was to shift to a separate

building.

4. On 18.10.2016, a show cause notice was issued by the Directorate of Education stating that the petitioner school has not submitted the documentary evidence regarding land allotment or any correspondence made in this regard for allotting of any land. Thereafter, on 09.11.2016, a reply was filed by the petitioner school. Second show cause notice was issued on 05.03.2020 to which a reply has also been filed by the petitioner school on 29.05.2020. Now the impugned order has been passed by the respondent.

5. A perusal of the impugned order shows that it notes that while granting upgradation from Middle to Secondary Stage vide order dated 27.03.1996, the school was directed to obtain a separate land for construction of a separate building for the school within a period of one year and inform the department failing which the recognition so granted shall be considered to be withdrawn by the competent authority. It is the case of the respondent that the petitioner school has failed to do the needful. Further it is stated in the impugned order that the petitioner school has been afforded unlimited number of opportunities to have its own land and building to shift the aforesaid school but has failed to arrange the same. The order further notes that the petitioner school have not made any serious attempt to obtain the requisite land and building even after a lapse of 24 years and the attitude is to continue with the same arrangement as presently existing.

6. I have heard learned senior counsel appearing for the petitioner school and learned standing counsel for the respondent.

7. Learned senior counsel appearing for the petitioner has pointed out that the school in question is running from the first floor of the concerned

building. From the ground floor an aided school is running since 1932. This system is continuing for a long. It is also pleaded that the petitioner school have applied to DDA for land way back in 1994. However, DDA has yet to allot land to the petitioner. It is further pleaded relying upon section 4 of the Delhi School Education Act and Rule 50 of the Rules to submit that the petitioner school are complying with all the terms and conditions.

8. Learned standing counsel appearing for the respondent however has pointed out that the Essentiality Certificate which was given to the petitioner way back on 07.08.1992 also stipulated that the petitioner will take steps to have a separate land and building for the school. They have measurably failed to do the needful and are prolonging the whole matter.

9. My attention has been drawn by the learned senior counsel for the petitioner to the minutes of the DDA dated 12.07.2019 to show that the DDA is not allotting land on the grounds of non-availability. He further submits that it would hardly be commercially viable to buy land from the open market given the fact that the school fees are regulated in some manner by the respondent.

10. The facts show that the school has been running since 1982. The recognition was granted way back in 1994 upto class VIII and in 1996 upto Class 10. The issue centres around allotment of land by DDA to the petitioner school. To shut down functioning of the school after about 30 years in the present building would not be appropriate at this stage.

11. Keeping in view the averments of the petitioner school regarding having made an application to DDA for allotment of land, in my opinion, it would be in the interest of justice that DDA is added as a party to the present proceedings. Accordingly, the DDA is impleaded as respondent No.2. Issue

notice to the newly impleaded respondent No.2/DDA, returnable for 03.09.2020. A complete copy of the petition may be served on the learned standing counsel for the DDA by the learned counsel for the petitioner.

12. Till the next date of hearing, the operation of the impugned order dated 23.06.2020 shall remain stayed.

JAYANT NATH, J.

JULY 15, 2020/v