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

+ W.P.(C) 5222/2025 & CM APPL. 23804/2025

AHAD ALVI THROUGH HIS NEXT FRIEND AND NATURAL
FATHER MR. IRFAN ALIPetitioner

Through: Mr. Tarun Satija, Adv.

versus

ST. GEORGES SCHOOL AND ORSRespondents

Through: Mr. Kuriakose Varghese, Mr. Akshat
Gogna and Ms. Isha Ghai, Advs. for
R-1.

Mr. Raghvendra Upadhyay, Adv. for
R-2/DOE.

Ms. Neha Rastogi, SPC with Mr.
Animesh Rastogi, Mr. Vibhav Singh,
Mr. Rajat Dubey and Mr. Shashank
Pandey, Advs. for R-3/UOI.

Mr. R.K. Dhawan, SC for DDA with
Ms. Nisha Dhawan, Mr. V.K. Teng,
Mr. Naman Kr. Thakur and Mr.
Pawan Karan Deo, Advs. for R-
4/DDA.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.04.2025

CM APPL. 23805/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 226 of the



Constitution of India seeking following relief:

- a. Issue an appropriate writ, direction or order setting aside the letter dated 07.04.2025 issued by the Respondent No. 1 / school and/or*
- b. Issue an appropriate writ, direction or order directing the Respondent school to allow the Petitioner to continue his studies upto Class -XII under EWS category and/or*

4. Mr. Tarun Satija, the learned counsel for the petitioner submits that the petitioner was admitted in respondent no.1/school for the Academic Session 2015-16 in the pre-primary class in the EWS Category. The seat was allocated to the petitioner in the respondent no.1/School by the Directorate of Education/respondent no.2.

5. He submits that the petitioner did not qualify Class IX in the Academic Session 2024-25, results of which were declared on 25.02.2025. Accordingly, the petitioner was asked to repeat Class IX and after the commencement of the new academic year 2025-26, the petitioner joined the session to repeat the said grade, started attending school and continued with his studies.

6. However on 07.04.2025, the respondent no.1/school issued a letter to the petitioner, thereby demanding payment of the school fee and threatening that in case the fee is not paid, the petitioner will not be allowed to attend classes.

7. He submits that the Rule 11(3) of the Delhi Right of Children to Free and Compulsory Education Rules, 2011 mandates that the school built up on government land must provide free education to the EWS Category students beyond elementary school.

8. He further contends that the respondent no.1/School has been built up



on the land allotted by the Government to the School at concessional rates. To support his contention, he has invited attention of the Court to the list of private recognized schools which were allotted land by the Government/DDA. The respondent no.1/school is mentioned at Serial No.248 of the said list.

9. In view of the above, issue notice.

10. Mr. Kuriakose Varghese, the learned counsel for the respondent no.1/school accepts notice. Likewise, Mr. Raghvendra Upadhyay, the learned counsel for the respondent no.2/DoE accepts notice. Ms. Neha Rastogi, the learned SPC for the respondent no.3/Union of India accepts notice and Mr. R.K. Dhawan, the learned Standing Counsel for the respondent no.4/DDA also accepts notice.

11. Mr. Varghese submits that the alleged obligation under Rule 11 (3) of the said Rules cannot be fastened on the respondent no.1/School, which is a minority unaided school, as such obligation is not contemplated under Section 12(1)(c) of RTE Act, 2009.

12. However, on a query posed by the Court, he fairly states that the land in the case has been allotted to the school by the Government.

13. The learned counsel for the petitioner submits that since the land has been allotted by the Government to the respondent no.1/school, therefore, the respondent no.1/school is under obligation to provide free education till Senior Secondary Level irrespective of the fact whether or not the school is a minority school.

14. Let counter-affidavit be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

15. The respondent no.1 school is directed to file a copy of the lease deed



vide which the school was allotted land by the DDA, along with counter-affidavit.

16. Likewise, the respondent no.1 is also directed to file the income certificate showing that the petitioner's family still continues to be under the EWS Category.

17. List on 16.07.2025.

18. Mr. Varghese, the learned counsel for the respondent no.1/school fairly states that no coercive action will be taken against the petitioner till the next date. The statement is taken on record and respondent no.1/School shall remain bound by the same.

VIKAS MAHAJAN, J

APRIL 24, 2025/dss