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

+ **W.P.(C) 11437/2024, CM APPL. 47501/2024**

DIVYA MATTEY AND ORS

.....Petitioners

Through: Mr. Jai Anant Dehadrai, Ms. Bhavya Jain, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.....Respondents

Through: Mr. Arjun Mahajan, SC, Mr Apoorv Upmanyu, Adv, Mr. Mohit, Adv for DDA
Adv Lalltaksh Joshi and Adv Sameer Gupta for R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **13.02.2026**

1. This is a writ petition filed under Article 226/227 of the Constitution of India seeking the following prayers:-

“a. Issue appropriate directions/Orders to the Respondent No. 1 to determine the land allotted to Respondent No. 5 in the light of the directions of Division Bench of this Hon'ble Court dated 19.01.2016 as referred aboveand;

b. Issue appropriate directions/Orders to the Respondent No. 1 to ensure strict compliance of the terms and conditions of the allotment letter and the Lease Deed and;

c. Issue appropriate directions/Orders to the Respondent No. 2 to recommend and appoint an Administrator as per the provisions of DSEAR, 1973 and;



d. Issue appropriate directions/orders to Respondent No. 2 to seize the books of accounts of the Respondent No. 3 and Respondent No. 5 to carry out a forensic audit for the purpose of determining the findings of the independent audit report on issues of commercialization, profiteering and diversion of funds and;.....”

2. The case of the petitioners is that the respondent No. 1 i.e., Delhi Development Authority (“**DDA**”) allotted a land admeasuring 3.98 hectares to respondent No. 5 Society for running a School at Sector-3 Dwarka vide allotment letter dated 26.02.1999.
3. Pursuant to the allotment letter, two perpetual Lease Deeds dated 25.02.2003 and 24.09.2004 were executed by respondent No. 5 Society.
4. The respondent No. 5 Society established a school, namely Delhi Public School Dwarka i.e., respondent No.3. The said property allotted by the respondent No. 1 is used by respondent No. 3 school as the respondent No. 5 Society took recognition from respondent No. 2 i.e., the Directorate of Education.
5. The respondent No. 4 is the Chairman of respondent No. 1 and is also the Administrator for respondent No. 2.
6. The petitioners, parents of the student studying in respondent No. 3 School, are aggrieved by the fact respondent No. 3 School, in breach of the terms and conditions of the allotment letter, is increasing the tuition fees on year to year basis.
7. Hence, the present petition.
8. The case of the petitioner is that respondent Nos. 3 and 5 are charging unapproved fee contrary to the allotment letter. The petitioner places reliance



on Clause No. 17 of the Allotment letter, which reads as under:-

“17. The school shall not increase the rates of tuition fee without the prior sanction of the Dte. of Education, Delhi Admn and shall follow the provisions of Delhi school Society Education Act/Rules, 1973 and other instructions issued from time to time.”

9. Ms. Jain, learned counsel for the petitioners, also draws my attention to the judgment of the Hon’ble Supreme Court in **Modern School v. Union of India, (2004) 5 SCC 583** and more particularly paragraph No. 27, which reads asunder:-

“27. In addition to the directions given by the Director of Education vide Order No. DE.15/Act/Duggal.Com/203/99/23989-24938 dated 15-12-1999, we give further directions as mentioned hereinbelow:

(a) Every recognised unaided school covered by the Act shall maintain the accounts on the principles of accounting applicable to non-business organisation/not-for-profit organisation.

In this connection, we inter alia direct every such school to prepare their financial statement consisting of balance sheet, profit-and-loss account, and receipt-and-payment account.

(b) Every school is required to file a statement of fees every year before the ensuing academic session under Section 17(3) of the said Act with the Director. Such statement will indicate estimated income of the school derived from fees, estimated current operational expenses towards salaries and



allowances payable to employees in terms of Rule 177(1). Such estimate will also indicate provision for donation, gratuity, reserve fund and other items under Rule 177(2) and savings thereafter, if any, in terms of the proviso to Rule 177(1).

(c) It shall be the duty of the Director of Education to ascertain whether terms of allotment of land by the Government to the schools have been complied with. We are shown a sample letter of allotment issued by the Delhi Development Authority issued to some of the schools which are recognised unaided schools. We reproduce herein clauses 16 and 17 of the sample letter of allotment:

“16. The school shall not increase the rates of tuition fee without the prior sanction of the Directorate of Education, Delhi Administration and shall follow the provisions of the Delhi School Education Act/Rules, 1973 and other instructions issued from time to time.

17. The Delhi Public School Society shall ensure that percentage of freeship from the tuition fee, as laid down under the rules by the Delhi Administration, is from time to time strictly complied with. They will ensure admission to the student belonging to weaker sections to the extent of 25% and grant freeship to them.””

10. However, in the present case similar matters are already pending before the Coordinate Bench and the issue in controversy is almost identical. As per the affidavit on behalf of the respondent No. 3, petitioners have filed two



other writ petitions being W.P.(C) 14473/2022 and W.P.(C) 12361/2024 before this Court. The table below shows the prayers in W.P.(C) 14473/2022, and W.P.(C) 12361/2024:-

W.P.(C) 14473/2022	W.P.(C) 12361/2024
A. Grant a writ of mandamus or any other appropriate writ, direction, or order to the Respondent No. 1 & 2 to enforce its orders against the Respondent No. 3 restraining Respondent No. 3 from charging excessive fee which is unjustified from their legitimate expenses and therefore amounting to profiteering and commercialisation of education & refunding/adjusting extra fees already charged; B. Grant a writ of mandamus or any other appropriate writ, direction, or order to the Respondent No. 1 & 2 to enforce its orders against the Respondent No. 3, restraining Respondent No. 3 from charging 'development fee' under a 'new and separate head' over and above the 'Operational Charges' already being charged from the students & refunding/adjusting extra fees already charged; C. Grant a writ of mandamus or any other appropriate writ, direction, or order to the Respondent No. 1 & 2 to take action against the Respondent No. 3, for violating its orders, under several provisions of the Delhi School Education Act, 1973 and	a. Issue appropriate directions to the Respondent No.3 School to immediately withdraw their show cause notice dated 29.08.2024. b. Issue appropriate directions once for all that Respondent No 3 shall not apply discriminatory approach towards wards of the parents, studying in the Respondent 3 School and sending SCN every now and then, that to selectively. c. Issue appropriate directions/Orders to the Respondent No. 1 and 2 (Office of the DOE, Delhi) to take over the management of Respondent No. 3. d. Issue appropriate directions/Orders to the Respondent No. 4 (Delhi Development authority) to cancel the allotment of land of Respondent No.3. e. Issue appropriate directions/Orders to the Respondent No.3 School to strictly comply with the directions of the Ld. Division Bench of this Hon'ble Court in Justice for all vs. GNCTD of Delhi and Ors." in W.P. (C) bearing no. 4109 of 2013 and LPA - 230/2019 and no unapproved fee at any cost shall be charged from the Petitioners/Parents of the school, unless approved by the DOE.



Delhi School Education Rules,1973 & D.	f. Issue appropriate directions to the Respondent No.3 School that the excess fee charged over and above the approved fee for the previous academic years is to be refunded without any further delay in the light of the rejection order dated 22.05.2024 passed by the DOE, Delhi. g.
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11. A perusal of the prayers in W.P.(C) 14473/2022 and W.P.(C) 12361/2024, as reproduced above, along with prayers in the present petition, show that the challenge in all the 3 writ petitions is with regard to respondent No. 3 charging excessive fee. The prayers in the present writ petition will also be based on the findings returned in W.P.(C) 14473/2022 and W.P.(C) 12361/2024 i.e., whether respondent No. 3 has charged fee in accordance with the Delhi School Education Act, 1973 or not. The relief claimed in the present petition is also based on the fact that respondent No. 3 has charged excessive fee. Once a challenge has been made to the charging of enhanced fee by respondent No. 3, the present petition though worded differently, seeking similar relief, will not lie.

12. For the said reasons, the present petition is dismissed as the petitioners have already sought similar reliefs in prior instituted writ petitions.

JASMEET SINGH, J

FEBRUARY 13, 2026/DM