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

+ **W.P.(C) 7919/2017**

MD MEMORIAL PUBLIC SCHOOL

..... Petitioner

Through Mr. K.P. Sundar Rao, Ms. Seema
Meena and Mr. R.G. Manasa,
Advocates.

versus

DIRECTORATE OF EDUCATION

..... Respondent

Through Mr. Naushad Ahmed Khan, ASC
(Civil) along with Mr. Rimjhim
Naudiyah, Advocates for respondent
No. 1/GNCTD.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. VINOD GOEL

ORDER

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27.10.2017

After hearing learned counsel for the parties, the following issues are framed for consideration :

- (1) Whether the jurisdiction of the Fee Committee was not limited to circumscribed paragraphs 82 and 83 of the judgment dated 12th August, 2011 including in relation to the period of time covered?
- (2) Whether the Development Fee charged by the schools had no relation with the implementation of the 6th Central Pay Commission recommendations, so as to enable the Fee Committee to examine the issue of levy and collection thereof by the schools?

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(3) What is the scope and ambit of the provision of the Rule 177 of the Delhi School Education Act & Rules, 1973 (hereinafter referred to as 'DSEAR') with regard to the methodology adopted by the Fee Committee including its recommendations on the aspect of the capital expenditure?

(4) Whether salary paid by school to its teachers/non teaching staff in cash/bearer cheque, can be treated as valid/proper/sufficient implementation of the recommendations of the Sixth Central Pay Commission?

(5) Whether any amount(s) received by a school from the students under various heads (e.g. Old students welfare funds etc.), whether contemplated or not under the provisions of DSE Act and/or DSEAR, if remained unutilized could be considered as part of funds available with the school for meeting the liabilities and/or for implementing the recommendations of the Sixth Central pay Commission?

The above issues are struck whilst reserving liberty to the parties to raise further issues during the course of the hearing, if they arise, in accordance with law.

For submissions on behalf of the parties on the above issues, list for hearing on 21st November, 2017.

Learned counsel for the petitioners is at liberty to file the brief synopsis of written submissions not exceeding two to three pages along with the copies of the relevant case laws on which they rely upon within a period of two weeks from today with advance copy to learned counsel appearing on

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behalf of the Directorate of Education, GNCTD, who may file their written submissions within a period of one week thereafter.

SIDDHARTH MRIDUL, J

VINOD GOEL, J

OCTOBER 27, 2017

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