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

+ **W.P.(C) 9122/2017**

ABHIVAV BHARTI BHAWAN SCHOOL Petitioner

Through: Ms. Seema Meena, Advocate.

versus

DIRECTORATE OF EDUCATION Respondent

Through: Mr. Gursharan Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **27.10.2017**

CM No. 37307/2017 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 9122/2017

This petition has been received on transfer.

Notice.

Mr. Singh along with other counsels accepts notice on behalf of Government of NCT of Delhi.

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?

(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.



CM No. 37306/2017 (stay)

Learned counsel appearing on behalf of the petitioner, on instructions, states that they shall deposit 75% of the principal amount, as recommended for refund by Justice Anil Dev Singh Committee, either by way of cash; or bank guarantee in favour of the Registrar General of this Court; or fixed deposit receipt standing in the name of the petitioner, with an endorsement for first lien in favour of the Registrar General of this Court, inscribed on the same, within a period of two weeks from today.

Directed accordingly.

An intimation in this regard shall be sent by the petitioner to the Directorate of Education, forthwith.

Subject to the aforesaid undertaking being complied with, no further steps shall be taken against the petitioner till the disposal of the petition.

The application is disposed of.

Dasti.

SIDDHARTH MRIDUL, J

VINOD GOEL, J

OCTOBER 27, 2017

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