

\$~2

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

+ **W.P.(C) 17102/2022**

**DELHI PUBLIC SCHOOL ROHINI & ANR. .... Petitioners**

Through: Mr. Puneet Mittal, Sr. Adv. with Mr. Rupendra Pratap Singh, Mr. Abhiesumat Gupta and Ms. Sakshi Mehendritta, Advs.

versus

**GOVT OF NCT OF DELHI & ANR. .... Respondents**

Through: Mr. Santosh Kumar Tripathi, SC (Civil), GNCTD with Mr. Arun Panwar, Mr. Pradyumn Rao, Mr. Tapesh Raghav and Ms. Mahak Rankawat, Advs. for DOE.

Mr. Ayush Jain, Mr. Tushar Thakur and Mr. Yashovardhan Upadhyay, Advs. for Aggrieved parents.

Mr. Rajiv Tanwar, L.A. (PSB), DOE, GNCTD with Mr. Arvind Kr. Arora, LA, Zone-XIII, DOE, GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

% **22.12.2022**

**CM APPL. 54282/2022 (exemption)**

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

**W.P.(C) 17102/2022 & CM APPL. 54281/2022 (stay)**

3. The challenge in the present writ petition is to the order dated 05.12.2022 passed by Directorate of Education/R-2 whereby the recognition of Delhi Public School, Sector-24, Rohini, Delhi has been suspended with further directions to the petitioner's school to remove the certain deficiencies mentioned therein which reads as under:-

*“1. The school will be allowed to complete the session 2022-23 with recognition and the suspension of recognition will not affect the students studying in the current session i.e.2022-23.*

*2 After the completion of the session, all students of the school shall be shifted to the nearby recognized schools run by the DPS Society or to nearby Govt. Schools with the consent of the parents if suspension is not revoked . Over-charged Fees already paid, if any, shall be refunded to all the students immediately.*

*3. Delhi Public School, Sec-24, Rohini, Delhi (School Id :1413221) shall not take any admissions for the session 2023-24 .*

*4. All the staff of the school (teaching, non-teaching and other) shall be adjusted by the OPS Society in its other recognized schools within the jurisdiction of the NCT of Delhi.*

*5. DPS Society shall henceforth be the custodian of all records of the Delhi Public School, Sec-24, Rohini, Delhi (School Id: 1413221) for all purposes and will be bound to produce the same before DoE or any other authority as and when asked for.*

4. One of the grounds on which Mr. Puneet Mittal, learned Senior Advocate for the petitioner assails the impugned order of the Directorate of Education is that the show cause notice was not given to the school before passing the said order for the Academic Sessions 2020-21 and 2021-22, therefore, the order falls foul of Article 14 of the Constitution of India.

5. Issue notice. The learned counsels named above accepts notice on behalf of the respondents.

6. Counter-affidavit be filed within a period of two weeks. Rejoinder thereto, if any, be filed before the next date.

7. Mr. Puneet Mittal, the learned Senior Advocate for the petitioner, on instructions, submits that the show cause-cum-demand notices/legal notices issued by the petitioner school to the students in regard to the alleged dues of the hiked fee against which the DoE has an objection,

shall not be pressed by the petitioner and the same shall be deemed to have been withdrawn.

8. In view of the above statement of the learned Senior Advocate for the petitioner, Mr. Santosh Kr. Tripathi, the learned Standing Counsel for GNCTD submits that the impugned order shall not be enforced till the next date.

9. This order shall be communicated by the respondent to the CBSE Board for taking necessary action.

10. List on 15.02.2023.

**VIKAS MAHAJAN, J**

**DECEMBER 22, 2022/dss**