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

+ **W.P.(C) 10434/2024 and CM APPL.22029/2025**

DELHI PUBLIC SCHOOL DWARKA

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv., Mr. R.P. Singh and Ms. Sakshi Mendiratta, Advs.

versus

NATIONAL COMMISSION

FOR PROTECTION OF CHILD RIGHTS AND ORS.Respondents

Through: Mr. Abhaid Paraikh and Ms. Katyayni Anand, Advs. for R-1.

Mr. Sameer Vashisht, SC and Ms. Avni Singh, Adv. for GNCTD.

Mr. Satya Ranjan Swain, SPC, Mr. Ankush Kapoor, Adv. with SI Mahesh Yadav.

Mr. Prateek Dhankhar, Advs

Ms. Manpreet Kaur, Adv. for parent for Karandeep Singh, Karman Singh.

Mr. Manish Gupta, Mr. Manoj Sharma, Ms. Aakanchha Jhunjunwal and Mr. Sandeep Gupta, Advs. for applicant in CM-22028/2025.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **16.04.2025**

CM APPL.22030/2025 (Exemption)

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

CM APPL.22028/2025 (for directions)

3. The present application has been filed by the applicant seeking that appropriate directions be issued, restraining the petitioner school from

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taking any coercive action/discriminatory steps against the students of the petitioner school, who are allegedly in arrears of fees.

4. Issue notice. Learned counsel, as aforesaid, accept notice on behalf of the non-applicants.

5. It has been brought out in the application that an inspection of the concerned school was conducted under the Chairmanship of District Magistrate along with team of senior academicians, and officials of the Directorate of Education, Delhi. A copy of the inspection report dated 04.04.2025 has been filed as Annexure A1 to the present application. The same reads as under:

“INSPECTION REPORT

In pursuance of order No. FDE/13/1312/PSB/2025/2814-2823 Date 03/04/2025 regarding various complaints of irregularities have been received from parents of Delhi Public School, Dwarka regarding unauthorized fee hike, harassment of parents & students on account of nonpayment of unauthorized fee and other unethical practice. The committee was constituted under the chairmanship of worthy District Magistrate (South –West) Sh. Lakshay Singhal and other members.

Information of the order the inspection team reached the school at 11:00 AM and straightway visited the library, the students were found sitting in the library and they told that they are sitting in the library from 20 March, 2025 till date.

They told that they were not allowed to attend regular classes. They also informed that they were not allowed to visit the canteen. They also mentioned that they are not allowed to interact with their friends/classmates. Students written statement enclosed herewith.

However, the Vice Principal Ms. Sushma submitted that she will submit her written report after getting the approval from the school management. Mrs. Anshu Librarian also asked to give her written statement of how she allowed sitting of 09 students in the library continuously for last 15 days but... she denied to give any written statement. The same was submitted by herein enclosed herewith.

The school Principal Ms. Priya Naryan apprised the committee that the



matter of fee hike is subjudiced and no discrimination is done with any students. However, she denied any written statement.

Prima facts, as per allegations of the children, there are some concerns of making the students sit in library for nonpayment of unauthorized fee hike.

Further.

- 1. The unauthorized fee hike matter was not looked into by the committee as Sh. Rajesh Kumar DCA was not present.*
- 2. Overall the committee observed that on the basis of fee hike dispute the students were not allowed regular classes, rather they were made took in the library.*
- 3. The committee also visited various class rooms of 7th, 9th and 10th interacted with students and they all validated the statements of their students that these students are not allowed to interact & sit in the class room from 20th March, 2025/1st April, 2025.*
- 4. During interaction with students they stated that the practice of making the students sit in library in lieu of pending fee is going on since long students also stated that even for going to washroom they are escorted by the guards /attendants so that they cannot go anywhere.*

Finally, it seems that there is a tussle between the parents & school management which is impacting students. Hence students should be kept out of this and they should be allowed to focus on their students.

The committee recommends that:-

- 1. The students must be immediately allowed to attend regular classes.*
- 2. Fee hike application if pending in DOE as submitted by the Principal (verbally) needs to be finalized at the earliest to resolve the fee hike conflict.*
- 3. DDE (District & Zone) must keep a check and visit the school regularly.*
- 4. The school authorities informed that certain court cases are going on. Hence, the above recommendations are subject to the compliance of court orders.*

<i>Sd/-</i>	<i>Sd/-</i>	<i>Sd/-</i>
<i>04.04.2025</i>	<i>04.04.2025</i>	<i>04.04.25</i>
<i>(Vinita Joon)</i>	<i>(Devendra Kumar)</i>	<i>(Yogesh Kumar)</i>
<i>Principal, GGSSS</i>	<i>Principal, RSV No.4</i>	<i>Principal, GBSSS</i>

<i>Sd/-</i>	<i>Sd/-</i>	
<i>04.04.2025</i>	<i>04.04.25</i>	
<i>(Dr. Harsh Arya)</i>	<i>(Dr. AK Bhatt)</i>	<i>(Ashutosh Ranjan)</i>
<i>RDE (West)</i>	<i>DDE (NW-A)</i>	<i>SO (PSB)</i>

Sd/-
(Lakshay Singhal, IAS)



*District Magistrate
Distt. South West*

6. The aforesaid inspection report reveals a very disturbing state of affairs inasmuch as in view of the subsisting controversy / dispute regarding the fees chargeable, the school is subjecting the concerned students, who are of tender age, to considerable indignity and harassment. It is noticed that the inspection report reveals that when the inspection team reached the school at 11.00 AM on 04.04.2025, it found that certain students had been confined to the library, having not been allowed to attend regular classes. These students were also not allowed to visit the canteen of the school, and even interaction with their friends/ classmates was inhibited. Even for the purpose of going to the washroom, these students are escorted by guards/ attendants, and their free movement is restricted.

7. This Court is unable to countenance such conduct. Any issue that the school may have as regards non-payment/ deficit payment of fees, has to be addressed in the framework of the provisions of the Delhi School Education Act, 1973, the rules framed thereunder and in terms of direction/s that may be issued in the pending judicial proceedings as regards thereto. The same cannot possibly serve as a justification for indulging in harassment of the students and/ or subject them to discrimination/ indignity within the school premises, as a device or means to recover any outstanding fees.

8. Learned counsel for the GNCTD informs that a Show Cause Notice (SCN) dated 08.04.2025 has been issued to the school asking as to why the action under Section 24(3) of Delhi School Education Act and Rules, 1973 read with Rule 56 of DSEAR, 1973 be not taken against the said school. A copy of the same has been duly served on the school. In terms thereof, the



concerned school has been asked to respond within a period of one week from the date of receipt of the said SCN. The Respondent / Directorate of Education is expected to adjudicate the show cause expeditiously, in accordance with law.

9. Let a reply to the present application be filed by the non-applicants within a period of two weeks. Let the objections of learned senior counsel for the petitioner as regards the maintainability of the present application, and / or other objections as regards the prayer/s sought, be adverted to in the said reply.

10. In the meantime, as an interim measure, in view of the aforesaid circumstances, the petitioner school is restrained from indulging in the kind of conduct referred to in the inspection report *viz.*

- (i) confining the students in the library of the school;
- (ii) preventing students from attending classes;
- (iii) segregating the students who have not paid the fees;
- (iv) preventing the said students from interacting with the other students;
- (v) preventing the said students from having access to all amenities of the school.
- (vi) subjecting such students to any other form of discrimination / prejudice.

11. The school will also allocate section/s to students who have been promoted to the next/ higher class; any controversy/ dispute as regards fees shall not be a ground for not doing so. As observed herein above, any controversy/ dispute as regards the fees to be charged by the school shall be resolved in the manner contemplated under the statute and the rules framed



thereunder, and/or in terms of direction/s issued in pending judicial proceedings, where the said issue is under consideration.

12. The Respondent/DOE and the concerned District Magistrate are directed to conduct regular inspections to ensure that the above directions are complied with.

13. List on 05.05.2025.

SACHIN DATTA, J

APRIL 16, 2025/cl