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

+ W.P.(C) 12305/2019

NAYA SAMAJ PARENTS ASSOCIATION THROUGH ITS

PRESIDENT

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann and
Ms. Jyoti, Advs.

versus

APEEJAY SCHOOL SHEIKH SARAI AND ANR.....Respondents

Through: Mr. Sanjeev Ralli and Mr. Anurag
Ahluwalia, Sr. Advs. with Mr.
Shubham Yadav, Mr. Ravi Kant
Yadav, Mr. Chetanya Baweja and Mr.
Praful Nawani, Advs. for R-1.
Mr. Abhinav Sharma for DoE/R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.03.2025

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CM APPL. 17722/2025 (by petitioner to stay of striking down names of students)

1. The present petition has been filed by the petitioner seeking direction to the respondent no.2/Directorate of Education to determine the quantum of actual fee payable to the respondent no.1 school by the petitioners after auditing the account of the school as per Generally Accepted Accounting Principles (GAAP) and other principles laid down by the Hon'ble Supreme Court.
2. During the pendency of the petition, the present application has been filed by the petitioner society alleging that the names of the seven students namely, Bidisha Dutta, Aditya Banerjee, Ishaan Malhotra, Aarya Sharma, Kunal Bhaumik (10th Class Students) and Lavanya Sharma and Ridhi Paul



(12th Class Students) have been struck down by the respondent no.1 school as part of coercive action on the ground that the said seven students have not paid the school fee for the past 04 years.

3. Mr. Khagesh B. Jha, the learned counsel for the petitioner submits that the parents of the aforesaid seven students had been regularly sending the fee under the cover of their letters as per the undertaking given by the school in W.P.(C) 3041/2020 titled as *Apeejay School, Sheikh Sarai vs. Office of District Magistrate (South) and Ors.* He, therefore, contends that the action of the school to strike down the name of the seven students is unsustainable.

4. *Per contra*, Mr. Sanjeev Ralli and Mr. Anurag Ahluwalia, the learned Senior Counsels for the respondent no.1 school submits that the school is not a 'land clause' school, therefore, no approval of DoE /R-2 is required for the purpose of enhancing the fee. It is contended that it has now been settled by this Court that no prior approval of the DoE is required by an unaided school before increasing its fee. In support of this contention, reliance has been placed on the decision of the Coordinate Bench of this Court in *Action Committee Unaided Recognized Private Schools vs. Directorate of Education* [W.P (C) 5743/2024; date of decision 29.04.2024], wherein it has been observed as under:

“29. The resultant legal position, as it exists today, following Action Committee Unaided Recognized Private Schools, is that an unaided recognized private school is not required to take prior approval of the DoE before increasing its fees, irrespective of whether the land clause does, or does not, apply to it.”

5. It is thus, contended that in view of the aforesaid decision, the prior approval of the DoE/R-2 is not required before increasing its fee and



accordingly, the school is well within its rights to increase the fee and demand the same from the students.

6. Further, attention of the Court has also been drawn to the following orders of the Coordinate Benches of this Court where the directions have been given to the schools not to take coercive action against the students but only subject to deposit of fee by them.

7. In *Nayasamaj Parents Association vs. Govt. of NCT of Delhi & Ors* [W.P (C) 3383/2020; order dated 16.02.2024], similar application was disposed of by this Court with the consent of the parties that the parents will deposit the fee within 24 hours, subject to the outcome of the writ petition.

8. In *Abhibhavak Ekta Sangh through AR Sh. Sameer Verma vs. Directorate of Education and Ors.*, [W.P (C) 3858/2022; order dated 06.09.2022] again direction was given to the students to deposit the fee in two instalments subject to the outcome of the writ petition.

9. In *Master Akshat Jain Through Father Mr. Deepak Jain And Ors. vs. Bhai Parmanand Vidya Mandir and Ors.*, [W.P (C) 3330/2022; order dated 23.02.2022], the Court had directed the petitioners/applicants therein to pay the outstanding fee in three equal monthly instalments, without prejudice to their rights and contentions, and subject to the outcome of the petition.

10. On query posed by the Court to the learned counsel for the DoE as to the latest position on the requirement on part of the school to take prior approval of the DoE before increasing its fees, both in respect of the 'land clause', as well as, non-land clause schools, he prays for time to seek instructions. Let short affidavit be filed in that behalf, before the next date.

11. In the meanwhile, without prejudice to the rights and contentions of



the parties, the respondent no.1 school is directed to permit the aforesaid seven students to attend classes till the next date.

12. It is clarified that nothing has been expressed on the merits of the case.

13. List on 03.04.2025 at 04:00 p.m.

VIKAS MAHAJAN, J

MARCH 27, 2025/dss