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

+ W.P.(C) 1824/2026 & CM APPL. 8829/2026

THE FORUM OF MINORITY SCHOOLSPetitioner

Through: Mr. Romy Chacko, Senior Advocate
with Mr. Varun Mudgal, Mr. Ashwin
Romy & Mr. Sachin Singh Dalal,
Advocates.

Versus

LT GOVERNOR OF DELHI AND ANRRespondents

Through: Mr. S.V. Raju, ASG/Senior Advocate
with Mr. Zoheb Hossain, Mr. Annam
Venkatesh, Mr. Pranav Sarthi, Mr.
Samrat Goswami, Mr. Ayushh Raj,
Mr. Harsh Paul Singhh, Mr. Pranjal
Tripathi, Mr. Satyam, Mr. Shikhar
Yadav, Mr. Chinmay, Ms. Agrimaa
Singh, Mr. Aryansh Shukla, Ms.
Prachi Dhingra, Mr. Utkarsh Vatsa,
Mr. Udit Bajpai, Mr. Sanjeev Menon,
Advocates with Mr. Rajpal Singh,
Deputy Director of Education,
GNCTD.
Mr. Sameer Vashisht, Ms. Harshita &
Mr. Khushboo Mittal, Advocates, for
R-1&2.

AND

+ W.P.(C) 1845/2026

**FORUM FOR PROMOTION OF QUALITY EDUCATION FOR
ALL**Petitioner

Through: Mr. Puneet Mittal, Senior Advocate
with Ms. Geetika Panwar, Mr. Vedant
Verma, Mr. Arjun Garg, Dr. Ishaan S.
Sharma, Ms. Shambhavi Sharma, Mr.
Ayush & Mr. Shubham Shukla,
Advocates.



Versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. S.V. Raju, ASG/Senior Advocate with Mr. Zoheb Hossain, Mr. Annam Venkatesh, Mr. Pranav Sarthi, Mr. Samrat Goswami, Mr. Ayushh Raj, Mr. Harsh Paul Singh, Mr. Pranjal Tripathi, Mr. Satyam, Mr. Shikhar Yadav, Mr. Chinmay, Ms. Agrimaa Singh, Mr. Aryansh Shukla, Ms. Prachi Dhingra, Mr. Utkarsh Vatsa, Mr. Udit Bajpai, Mr. Sanjeev Menon, Advocates with Mr. Rajpal Singh, Deputy Director of Education, GNCTD.

Mr. Sameer Vashisht, Ms. Harshita & Mr. Khushboo Mittal, Advocates, for R-1&2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **09.02.2026**

W.P.(C) 1824/2026 & CM APPL. 8829/2026

W.P.(C) 1845/2026

1. Issue Notice.
2. Mr. Zoheb Hossain and Mr. Sameer Vashisht, learned Counsel for the Respondents accept Notice.
3. Let Affidavit in Reply be filed by the Respondents within two weeks. Rejoinder Affidavit, thereto, if any, be filed before the next date of hearing.
4. List on 12.03.2026.

CM Nos.8828/2026 in W.P.(C) 1824/2026 & 8924/2026 in W.P.(C) 1845/2026 (both for stay)

5. Issue Notice.



6. Mr. Zoheb Hossain and Mr. Sameer Vashisht, learned Counsel for the Respondents accept notice. List for hearing on 20.02.2026.

7. Our attention has been drawn to the notification dated 01.02.2026 whereby a removal of difficulties order with the title “Delhi School Education (Removal of Difficulties) Order, 2026” has been promulgated and published in the Official Gazette. The said order has come into force on 01.02.2026 itself. Clause 3 (1) of the Removal of Difficulties Order mandates that every school shall constitute the School-Level Fee Regulation Committee (SLFRC) in terms of the Section 4 of the Act and Rules 4 made thereunder within a period of 10 days, which period shall expire on 11.02.2026.

8. A prayer has been made that the said period of forming SLFRC be extended keeping in view the challenge to the impugned Removal of Difficulties Order in this Petition.

9. The prayer has been opposed by Shri S. V. Raju, learned ASG representing the GNCTD, who has stated that in an earlier challenge to the principal act, this Court passed an order on 08.01.2026, wherein statement made on behalf of GNCTD was recorded that the date shall be extended till 20.01.2026, which period has expired and accordingly, now permitting any further time for constitution of the SLFRC will hamper the timeline for fixation of fee for academic years 2026-27 and onwards.

10. It has been further stated that as per the timeline fixed for the purpose of fixation of fee, by 11.02.2026 the SLFRC is to be constituted, whereafter the management of the schools have been given time till 25.02.2026 to submit the details of the proposed fees for the block of next 3 academic years, starting from 2026-27. It has also been stated that thereafter within 30



days from the date of notification dated 01.04.2026, the Director of Education has been required to constitute the District Fee Appellate Committee as per the requirement of the Clause 3(3) of the Removal of Difficulties Order, that is to say such Appellate Committee is to be constituted by 03.03.2026. Thereafter, the amount of fee to be charged at the respective schools is to be decided by 27.03.2026.

11. The submission is that in case, any time is extended permitting the constitution of SLFRC after 11.02.2026, the entire timeline for fixation of fee shall get delayed. Emphasis has been placed on the fact that *vide* order dated 08.01.2026, the time was already extended for constitution of the said Committee till 20.01.2026.

12. We have heard learned counsel representing the parties.

13. It has been brought to our notice that the order dated 08.01.2026 was challenged before Hon'ble Supreme Court in SLP(C) 2602/2026, which was disposed of by means of an order passed on 02.02.2026. A clarification was given on behalf of the GNCTD that the new act will not be implemented for the academic year 2025-26. Keeping in view the said statement, the Hon'ble Supreme Court found that no further orders were required to be passed in the said SLP and accordingly, the said SLP was dismissed. The said order dated 02.02.2026 was modified by means of an order dated 04.02.2026, which reads as under:-

"1. Upon being mentioned by Mr. S. V. Raju , learned ASG , matters are taken on board .

*2. Order dated 02.02.2026 is modified and shall be read as under:
"1. In view of the clarification of Mr. S. V. Raju, learned Additional Solicitor General assisted by Mr. Zoheb Hossain, learned counsel appearing for the Directorate of Education that the new law will not implemented at this stage for the Academic Year 2025-2026, no further orders are required.*



2. *The Special Leave Petitions, are accordingly, dismissed.*
3. *All issues including the challenge to the Notification No. F. DE.15(375)/PSB/2025/450 dated 01.02.2026 issued by the Education Department, if any, will be considered by the High Court on its own merits. We have not expressed any opinion on merits of the matter.*
4. *Parties may make a request before the High Court for early disposal of the Writ Petition(s).*
5. *Pending application(s) including intervention/impleadment application, if any, shall stand disposed of.”*

14. It is to be noted that during pendency of the aforesaid SLP, the Department of Education has issued the notification dated 01.02.2026. The statements which stand recorded in our order dated 08.01.2026, were made in view of the fact that prior to issuance of the notification dated 01.02.2026 insistence on the part of the GNCTD was to ensure implementation of the new act with effect from the academic year 2025-26, however, by issuing the notification dated 01.02.2026, now the said act is to be implemented from the academic session 2026-27. Accordingly, on account of the intervention of the Hon'ble Supreme Court in the aforesaid SLP as also on account of the aforesaid notification dated 01.02.2026, the circumstances have changed. The challenge is to the notification dated 01.02.2026 on various grounds and, therefore, we have already invited the counter-affidavit of the respondents to the main petition.

15. We have also fixed the application seeking stay for appropriate decision on 20.02.2026 and accordingly, we find that in case, the GNCTD does not insist on formation of the School-Level Fee Regulation Committee by the next date, no prejudice is going to be caused to either side neither will it cause any prejudice to the timeline, which has been fixed for fixation of



fee for the academic session 2026-27.

16. Accordingly, we provide that till the next date of listing of the application for stay, i.e.20.02.2026, those schools who have not constituted the School-Level Fee Regulation Committee shall not be insisted upon to form this said Committee.

17. The Respondents shall file response to these Applications within a week from date.

18. List these applications “*High on Board*” on 20.02.2026.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 9, 2026

‘j/gsr’